DOCUMENT RESUME

ED 147 066 RC 010 190

TITLE	Grants to Indian-Controlled Postsecondary Educational Institutions and the Navajo Community College Act. Hearing Before the United States Senate Select Committee on Indian Affairs, 95th Congress, 1st Session on S. 468 - To Amend the Navajo Community College Act; S. 1215 - To Provide for Grants to Indian-Controlled Postsecondary Educational Institutions, and for Other Purposes (July 28, 1977).
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Select Committee on Indian Affairs.
PUB DATE	28 Jul 77
NOTE	143p.; Not available in hard copy due to small print size of original document
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	*American Indians; *Community Colleges; *Federal Legislation; *Financial Support; *Hearings; Post Secondary Education
IDENTIFIERS	Amendments; Congress 95th; *Indian Self Determination and Educ Assistance Act; *Navajo Community College Act 1971

ABSTRACT

Presenting testimony, these 1977 Senate Hearings deal with S. 468, a bill designed to amend the Navajo Community College Act of 1971 to insure adequate funding for operation and expansion of the college on the Navajo Reservation, and S. 1215, designed to amend the Indian Self Determination and Education Assistance Act of 1975 by adding a third Title to address funding needs of other present and forthcoming community-based postsecondary educational institutions. Included in this document are: the two bills; a report by the U.S. Department of Interior on the bills; written material submitted by an Arizona Senator and the President of the Oglala Sioux Community College; and statements presented by: senators from New Mexico, Arizona, and South Dakota; the President of Sinte Gleska College; the Director of Indian Education Programs, the Acting Director for Postsecondary Education, and the Acting Planning Officer for the Office of Indian Education Programs, Bureau of Indian Affairs; the Acting Director of the American Indian Higher Education Consortium; the President of the American Indian Higher Education Consortium and the Director of the Fort Berthold Community College; Chairman of the Mississippi Band of Choctaw Indians representing the National Tribal Chairmen's Association; the President of the National Indian Education Association; the President of the Navajo Community College; the Vice Chairman of the Navajo Tribe; and the Executive Director of the National Congress of American Indians. (JC)

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ED147066

GRANTS TO INDIAN-CONTROLLED POSTSECONDARY EDUCATIONAL INSTITUTIONS AND THE NAVAJO COMMUNITY COLLEGE ACT

HEARING

BEFORE THE

UNITED STATES SENATE
SELECT COMMITTEE ON INDIAN AFFAIRS

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

S. 468

TO AMEND THE NAVAJO COMMUNITY COLLEGE ACT

S. 1215

TO PROVIDE FOR GRANTS TO INDIAN-CONTROLLED POST-SECONDARY EDUCATIONAL INSTITUTIONS, AND FOR OTHER PURPOSES

JULY 28, 1977

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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GRANTS TO INDIAN-CONTROLLED POSTSECONDARY EDUCATIONAL INSTITUTIONS AND THE NAVAJO COMMUNITY COLLEGE ACT

THURSDAY, JULY 28, 1977

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator James Abourezk (chairman of the committee) presiding.

Staff present: Alan Parker, chief counsel; Ella Mae Horse, professional staff member; and Michael Cox, minority counsel.

Senator ABOUREZK. The committee will come to order.

This is a hearing on two bills: S. 468 and S. 1215.

The first bill before us today, S. 468, will, if enacted, amend the Navajo Community College Act of 1971 to insure adequate funding for operation and expansion to meet the increasing demand for student services and facilities on the Navajo Reservation. With additional Federal financial assistance, the college will be assured of a predictable funding source to meet its operational costs and will be able to complete construction of its campus at Tsaile and develop its satellite campus program.

Following the establishment of the Navajo Community College, other Indian communities saw important needs being fulfilled by the community college concept and soon followed with their own community-based postsecondary educational centers. They, too, are faced with the problem of unstable funding for basic operating costs. The general bill, S. 1215, attempts to address the inadequate funding needs of existing and developing institutions.

I recall last spring when the former Subcommittee on Indian Affairs held a hearing on the first draft bill on the concept of providing Federal support to Indian community colleges. Our first attempt toward this effort was limited to 10 institutions, but the testimony received on that bill was overwhelmingly in support of expanding the bill to take into consideration those colleges in the planning or developmental stages. Based on your recommendations from the 1976 hearing and following several working sessions in which many of you were involved, I introduced a revised version late in the session of the 94th Congress for your additional review and input.

We welcome your views and any recommendations you may wish to present for the committee's consideration on the bills, S. 468 and S. 1215.

Without objection, the bills and the departmental report will be inserted in the record at this point.

[The bills and report follow:]

95TH CONGRESS
1ST SESSION

S. 468

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 19), 1977

Mr. DOMENICI (for himself, Mr. DECONCINI, Mr. GOLDWATER, and Mr. SCHMITT) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

FEBRUARY 11 (legislative day, FEBRUARY 1), 1977

Rereferred, pursuant to S. Res. 4, to the Select Committee on Indian Affairs

A BILL

To amend the Navajo Community College Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to authorize grants for the Navajo Community College, and for other purposes", approved December 15, 1971 (85 Stat. 646), is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 4. (a) For the purpose of making grants under this Act, there are hereby authorized to be appropriated, for each of the fiscal years 1978, 1979, 1980, 1981, and 1982, the sum of $10,500,000 for construction, plus or

minus such amounts, if any, as may be justified by reason of ordinary fluctuations from 1976 construction costs as indicated by engineering cost indexes applicable to the types of construction involved.

"(b) There is further authorized to be appropriated to the Navajo Community College an annual sum for operation and maintenance of the college equal to the average amount of the per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

"(c) Sums appropriated pursuant to this section for construction shall remain available until expended.".

95TH CONGRESS
1ST SESSION

S. 1215

IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, FEBRUARY 21), 1977

Mr. ABOUREZK (for himself, Mr. BURDICK, Mr. GRAVEL, Mr. DECONCINI, and Mr. JACKSON) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

A BILL

To provide for grants to Indian-controlled postsecondary educational institutions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian Self-Determination and Education Assistance Act of January 4, 1975 (88 Stat. 2203) is amended by adding the following new title at the end thereof:

"TITLE III—THE INDIAN-CONTROLLED POST-SECONDARY EDUCATIONAL INSTITUTIONS ASSISTANCE ACT

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian-Controlled Postsecondary Educational Institutions Assistance Act'.

"PURPOSES

"SEC. 302. It is the purpose of this title to provide grants for the development, operation, and improvement of Indian-controlled postsecondary educational institutions to insure continued and expanded educational opportunities for Indian students.

"GRANTS AUTHORIZED

"SEC. 303. (a) The Secretary of the Interior is authorized to make grants pursuant to this title to Indian-controlled educational institutions to aid in the postsecondary education of Indian students.

"(b) Grants made pursuant to this section may be used for the planning and development of educational programs and activities, basic operational costs, employment of instructional and administrative personnel, curriculum development, student services, and community service programs of Indian-controlled postsecondary educational institutions. Funds pro-

vided pursuant to this title shall not be used in connection with religious worship or instruction.

"ELIGIBLE GRANT RECIPIENTS

"SEC. 304. (a) To be eligible for assistance under this title an Indian-controlled postsecondary educational institution must be one which—

"(1) is formally endorsed by the governing body of an Indian tribe, or by a governmental subdivision or authorized education agency of an American Indian tribe, or by an Alaska Native community; and

"(2) has been in operation for not less than six months;

"(3) is governed by a board of directors or board of trustees which is composed entirely of American Indians;

"(4) has demonstrated adherence to stated goals, a philosophy, or a plan of operation which primarily serves American Indians;

"(5) has a majority of students who are American Indians; and

"(6) is either accredited by a nationally recognized accrediting agency, or is an institution—

"(A) with respect to which the Secretary has determined that there is satisfactory assurance, considering the resources available to the institution,

the period of time during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standard of such an agency within a reasonable time, or

"(B) whose credits are accepted, on transfer, by not less than 3 institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

"(b) For the purpose of making grants for furnishing technical assistance only, any American Indian higher education organization shall be eligible for grants under this title in such amounts as the Secretary may determine.

"PREPARATION AND REVIEW OF GRANT APPLICATIONS

"SEC. 305. (a) The Secretary is authorized, upon the request of any American Indian tribe or Alaska Native community, to assist (directly or through grants made pursuant to section 304(b) of this title) in their planning and development of feasibility studies to determine whether there is justification to start and maintain an Indian-controlled post-secondary educational institution and to prepare grant applications and related budgets which will provide services needed to insure successful operation of such institution.

"(b) Grants (except those referred to in section 304

(b)) shall be made under this title only in response to applications by Indian-controlled postsecondary educational institutions. Such applications shall be submitted at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) In making grants pursuant to this title, the Secretary shall consult with American Indian higher education organizations.

"GRANT FORMULA AND PAYMENTS

"SEC. 306. (a) Each fiscal year the Secretary shall grant to each Indian-controlled postsecondary educational institution having an application approved by him, the aggregate of $250,000 plus an additional amount of $2,500 for each full-time equivalent student in attendance at such institution up to one hundred full-time equivalent students except that such [illegible] any such institution having more than one hundred full-time equivalent students shall be in the amount of $100,000 plus an additional amount of $3,500 for each full-time equivalent student in attendance.

"(b) With respect to grants made after the first full fiscal year following enactment of this Act, the Secretary may increase the per student amounts specified in subsection (a) of this section to reflect increases in costs beyond the control of the Indian-controlled postsecondary educational institutions and in determining such increases the Secretary

shall (among other things) consider increases in the cost (including but not limited to increased costs of staff) of operating comparable Bureau of Indian Affairs educational institutions.

"(c) The Secretary may make payments pursuant to grants under this title in advance installments based on anticipated or actual numbers of full-time equivalent students or such other factors as determined by the Secretary, and with such adjustments for previous overpayments or underpayments, as the Secretary may determine.

"EFFECT ON OTHER PROGRAMS

"SEC. 307. Eligibility for assistance under this title shall not supplant eligibility to receive Federal financial assistance under any program authorized under the Higher Educational Act of 1965 (86 Stat. 236), as amended, or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions. Assistance under any program authorized by such Higher Education Act of 1965 or any other program for which the Commissioner of Education, Department of Health, Education, and Welfare, has responsibility for administration, either by statute or by delegation shall be considered as supplemental to the assistance authorized under this title.

"REPORT ON FACILITIES

"SEC. 308. The Secretary shall, not later than ninety days after the date of enactment of this Act, prepare and submit a report to the Congress containing a survey of existing and planned physical facilities of Indian-controlled post-secondary educational institutions together with his recommendations concerning meeting the needs of such institutions for improved and additional facilities.

"APPROPRIATIONS AUTHORIZED

"SEC. 309. (a) There is authorized to be appropriated $21,000,000 in each of the first two full fiscal years following enactment of this title and $22,000,000 in the third fiscal year following enactment. The amount of such authorizations for fiscal years following the first full fiscal year after enactment of this title shall be increased by the amount of any portions of the authorization available for the prior fiscal year for which funds were not appropriated. There is authorized to be appropriated in the fourth fiscal year following enactment any unappropriated portion of the authorization available for the third such fiscal year.

"(b) Appropriations aggregating $3,200,000 are hereby authorized for the provision of technical assistance grants pursuant to section 304(b) of this title.

"(c) Unless otherwise provided in appropriations Acts,

funds appropriated pursuant to this section shall remain available until expended.

"(d) Funds appropriated pursuant to this section shall not be expended for any other purpose except as authorized in this title.

'GRANT ADJUSTMENTS

"SEC. 319. (a) If the sums appropriated for any fiscal year for grants under this title are not sufficient to pay in full the total amounts which all approved grant applicants are eligible to receive under this title for that fiscal year, the maximum amounts which all such applicants are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year, during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which grant recipients are eligible have been reduced under the first sentence of subsection (a) of this section, and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, each grantee shall report to the Secretary any unused portion of received funds ninety days prior to the grant expiration date. The amounts so available to any grant recipient or any

amount which would be available to any other Indian-controlled postsecondary educational institution if it were to submit an approvable application therefore, which the Secretary determines will not be used for the period of its availability, shall be made available for reallocation to eligible grantees on a basis proportionate to the percentage of unfunded full-time equivalent students for each participating institution: *Provided*, That no grant recipient shall receive more than the amount provided for under section 306 of this title.

"RULES AND REGULATIONS

"SEC. 311. Within six months of enactment of this title, the Secretary shall formulate such rules and regulations as are necessary for its implementation. Copies of such rules and regulations (and amendments thereto) shall be submitted to the Congress prior to publication in the Federal Register.".

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JAN 27 1977

Honorable James Abourezk
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on two bills: S. 468, "To amend the Navajo Community College Act," and S. 1215, "To provide for grants to Indian-controlled postsecondary educational institutions, and for other purposes."

We recommend that the Committee defer consideration on both bills.

S. 468 would amend the Act of December 15, 1971 (85 Stat. 646) by authorizing, for each fiscal year from 1978 through 1982, $10.5 million for direct grants for construction to the Navajo Community College. The bill further authorizes appropriations for the College of an annual sum for operations and maintenance equal to the average amount of per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

S. 1215 would add a new title III to the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 88 Stat. 2203) to provide grants by the Secretary of the Interior to Indian-controlled post-secondary institutions for planning and development of education programs, basic operational costs, employment, curriculum development, student services and community service programs. The bill provides certain eligibility requirements for assistance thereunder, plus a formula for allocating grants. Such grants will be made only upon application of the institution, and the Secretary is required to consult with Indian higher education organizations in making such grants. The bill authorizes $21 million for each of the first two fiscal years following enactment and $22 million in the third fiscal year. Any of the unappropriated portion of the $22 million would be authorized for the fourth fiscal year following enactment. The bill further authorizes $3.2 million for technical assistance grants.

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Within 90 days of enactment, the Secretary is required to report to Congress a survey of existing and planned Indian college facilities together with his recommendations to meet the needs of such institutions for improved and additional facilities. The bill also requires the Secretary to assist a tribe, upon request, in planning and developing feasibility studies to determine the need to start and maintain an Indian College and to prepare grant applications and related budgets for such.

Beginning in 1968 with the establishment of Navajo Community College in Arizona on the Navajo Reservation, at least 20 additional tribes have chartered postsecondary institutions for their members. Almost all of them are on Indian reservations and all are located within areas of high Indian population.

Of this number, only Navajo Community College has received full accreditation by the North Central Accreditation Association. Three other institutions are recognized as candidates for accreditation, and there are indications that at least one more institution may gain candidate status by 1978. The others are affiliated with larger sponsoring institutions for course accreditation purposes.

Indian-controlled postsecondary institutions are a relatively recent development, which grew out of the need for community colleges at both individual and community levels.

The high dropout rate of Indian college students indicates that there are problems with all levels of education currently available to Indian people. While approximately 46.9% of all students leave college before obtaining a four-year degree, the dropout rate among Indian students is approximately 7[illegible] in the first four years.

Current authority for the Bureau of Indian Affairs to assist Indian community colleges comes from the broad general authority in the Snyder Act of 1921 (25 U.S.C. 13), which authorizes the BIA to spend funds appropriated "for the benefit, care and assistance of the Indians throughout the United States for the following purposes: general support and civilization, including education...." Other education programs, more traditional with BIA, also compete for and utilize these funds.

Under this authority, Lakota Higher Education Center and Sinte Gleska Community College, both in South Dakota, each have received $225,000 of Snyder Act funds. This includes $200,000 for basic school operations and $25,000 for scholarship assistance for their students. Further, the Lummi School of Aquaculture and the Tanana Chiefs Conference's Land Claims College, also received BIA funding through the Snyder Act.

Also, Indian students receive over $27 million insert of direct financial assistance through the BIA scholarship program.

Navajo Community College is primarily funded through the Bureau of Indian Affairs by a line item appropriation under the authority of the Navajo Community College Act of December 15, 1971 (85 Stat. 646; 25 U.S.C. 640(a-c)). In this instance, specific authorizing legislation was deemed necessary. Under the BIA's fiscal year 1978 budget, some $5 million will be provided to Navajo Community College for operations and maintenance, and these needs are right now being evaluated and considered by the BIA for the fiscal year 1979 budget.

We would point out that the Department of Health, Education and Welfare administers a variety of assistance programs, both to Indian students, including those who attend Indian colleges, and to Indian colleges, such as financial aid for students and support for developing institutions. We note that Indian students and institutions can participate in any or all of these programs.

We do recognize a need to provide special assistance to institutions with unusual problems such as those serving individuals from particular backgrounds. HEW is in the process of reviewing the developing institutions program to determine how best it can meet this need. We will be closely consulting with HEW, as well as undertaking a review within the BIA, in order to determine the most effective means to provide help to and administer programs for Indian-controlled postsecondary institutions. Therefore, we recommend that the Committee defer consideration on both S. 468 and S. 1215 until these reviews are completed and recommendations developed.

We believe that any assistance to Indian colleges must insure for their responsiveness to the needs of Indian students and communities, while maintaining education standards and quality.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Cecil D. Andrus

Cecil D. Andrus
SECRETARY

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Senator ABOUREZK. The first witness this morning is our distinguished colleague from New Mexico, the Hon. Harrison Schmitt.

Jack, we are glad to have you appear before the committee and we would like to welcome you here. Are you ready to begin testifying?

STATEMENT OF HON. HARRISON SCHMITT, A U.S. SENATOR, FROM THE STATE OF NEW MEXICO

Senator SCHMITT. Mr. Chairman, I appreciate this opportunity to testify on behalf of S. 468—the Navajo Community College Act amendments.

It is particularly gratifying to me to be able to testify with some of my constituents from New Mexico and others from our neighboring State of Arizona in the audience.

It is significant to me that the first time I am testifying before the Select Committee on Indian Affairs it is on behalf of the first college established on an Indian Reservation.

Education, in my opinion, is the key to New Mexico's future and is extremely important to the Navajo's role in achieving Indian self-government within our local, State, and Federal Government communities.

Mr. Chairman, I might add from a philosophical point of view, or my point of view—and I will not speak for anybody else—the establishment of the Navajo Community College on the Navajo Indian Reservation represents in a major way a milestone in the history and traditions of the Navajo Nation.

I think that in one sense, the permanency that the establishment of that college represents really signals an end of the era of Navajo tradition of nomadic ways to the beginning of an era of an Indian-American civilization in that part of this great country.

I hope that the committee views it in much the same way.

It is impressive that such dedicated Board members of the college as President Donald McCabe, Wilson Skeet, Jim Hena and others among the board of regents and administrators are working together to encourage the Navajo Community College to be the first stepping stone for constructive adulthood for Indians of the Southwest.

As educators they are doing a commendable job in giving Indian youth the tools to participate in the economic development of the region. The college is the first Navajo institution designed to help meet their educational obligations to the Indian people.

In 8 years this college has grown from an enrollment of 301 to 1,200 students, of which 300 are living on campus. As of May 1977, 193 students have graduated with Associate Arts degrees and many have gone into 4-year colleges and for further education.

This specific legislation reauthorizes Federal financial assistance to meet Navajo Community Colleges' continuing construction needs and rectifies some problems in the legislative language that provides Federal funding for operational costs.

S. 468 is important because it grants a specific authorization for Federal financial assistance as was intended when the Navajo Community College legislation was passed in 1971. This authorization will meet the college's continuing construction needs and in spite of the college's growth and recent accreditation by the North Central Association, the college is without significant construction funds to complete its campus at Tsaile.

Funds are needed to construct additional housing at Tsaile to accommodate 900 resident students—an increase of approximately 600 over present enrollment. These funds are needed to complete the Tsaile campus as well as to enable the college to accommodate its increasing enrollment.

In addition to authorizing construction funds, S. 468 proposes to change existing formulas to meet operational costs of the college. Since enactment, the Federal Government has provided $10 million for operating costs under Public Law 92–189.

As Senator Domenici, my senior colleague from New Mexico stated when he introduced this legislation in January:

> Existing law authorizes an annual sum for operation and maintenance of the college that does not exceed the average amount of the per capita contribution made by the Federal Government for the education of Indian students at federally operated institutions of the same type.

The proposed amendment would change the present language to read:

> An annual sum for operating and maintaining the college equal to the average amount of per capita contribution made by the Federal Government.

In the past it has been the experience of the Navajo Community College that the Bureau of Indian Affairs has never provided sufficient funds to operate and maintain the college. The language proposed by Senator Domenici would assure the college a more stable level of operational funding.

In light of development activity in northwestern New Mexico and the areas of power generation, coal gasification, uranium mining, and modern irrigative agriculture, there is an increased need for vocational training so that Indian youth can fully participate in the industrial and commercial development that will be underway in the Four Corners region.

The Navajo Community College, in conjunction with the San Juan campus of New Mexico State Univerity, will help Indian youth prepare for the opportunities that await them. Expansion of vocational needs on the Tsaile campus is desperately needed and will be served by this legislation.

I urge this committee and the entire Congress to seriously consider our request to take immediate action on behalf of the young people of the Navajo Nation. The education of youth will benefit our State and our Nation.

Thank you once again for this opportunity to express my thoughts on this legislation. If the chairman has not, I hope he will plan at some early time to visit the Tsaile campus and the other related activities on the reservation.

Thank you, Mr. Chairman.

Senator ABOUREZK. Thank you, Senator Schmitt.

I have not had a chance to visit that community college, but we have been to two in South Dakota of the same nature. It is the Navajos who should take credit for establishing this concept. It is excellent.

Senator SCHMITT. It is a beautiful area. I have worked in the same general area—around Fort Defiance and Buell Park—as a geologist. I must say that it is some of the most beautiful country I have seen in the solar system.

Senator ABOUREZK. You have seen a lot of areas of the solar system? That is the way we put all of us land lovers——

Senator SCHMITT. Wilson Skeet and I have a discussion yet to occur on the relationship between my visit to the Moon and the visit of the Navajos to the Moon in some preceding time.

Senator ABOUREZK. Is that the story I heard?

Senator SCHMITT. Yes.

Senator ABOUREZK. That they had come to take our land away?

Senator SCHMITT. No; they claim that the Moon is ours. They will let us handle that.

Senator ABOUREZK. I have no questions. I very much appreciate your appearance here this morning in support of this legislation.

Senator SCHMITT. Speaking for my friends in the Navajo Nation and other Indian people in New Mexico and Arizona: We appreciate the committee's obvious interest and concern about the education of the youth of this part of our great country. We certainly hope that the committee will take favorable action on these proposals.

Thank you, Mr. Chairman.

Senator ABOUREZK. Thank you, Senator Schmitt.

Unless Senator DeConcini or Senator Domenici is here, we will hear from Wilson Skeet and Donald McCabe, the vice chairman of the tribe and president of the community college.

Are you ready to testify?

Wilson, I wonder if I might just interrupt you a minute. Senator Domenici just came in. The Senators are moving very rapidly around the Hill from one committee meeting to the other. Therefore, we always let them jump in and testify first.

There is also another reason for doing that. When he is chairing a committee he will let me testify first next time.

Senator DOMENICI. On the other hand, it is very rare when we get to chair committees, Mr. Chairman, but I would be glad to commit you to that.

Senator ABOUREZK. Oh, that is right. I forgot he is a Republican, so you can sit back down, Mr. Skeet. I forgot about that.

STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator DOMENICI. Mr. Chairman, I am not going to take a lot of time, especially since Vice Chairman Wilson Skeet and his people are here. I think they have much more to contribute than I.

I have prepared remarks. Suffice it to say that I am not going to read them at this point, but I would ask you to make them part of the record.

Senator ABOUREZK. Without objection, it will be done.

[The prepared statement of Senator Domenici follows:]

PREPARED STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Mr. Chairman: Most of us have had the good fortune to have completed 12 years or more of formal education; the Navajo people have not been so fortunate. In 1970, the average number of school years completed by the Navajo was 5; only 27 percent of Navajos over the age of 18 years of age completed 12 or more years of school. As a direct result of these limited educational achievements, the Navajo standard of living has suffered.

The Navajo standard of living can rise, in fact it must. The Navajo Community College, founded in 1968, has begun to change the future of the Navajo for the better. Enrollment at the College has grown from 301 students in 1969 to a current

enrollment of 1,200. Of the 150 students who have graduated from the College since 1969, more than half have gone on to pursue bachelors degrees at 4 year institutions. Ten students have gone on to pursue masters degrees and 2 are presently working on their doctorates.

Since its inception, the physical plant of the college has expanded also. With $14.5 million in construction funds, of which $6.5 million were provided by the Federal Government, the College has constructed a campus consisting of 10 student dormitories, a library with 50,000 volumes, a student union and cafeteria, one general classroom building, a facility for vocational education, 50 faculty homes and a cultural and education center.

However, there are obstacles to be overcome if the College is to expand and improve the educational services it offers to the Navajo Community. First, the College is without sufficient construction funds to complete its campus at Tsaile and to develop its satellite program. At Tsaile, funds are needed to construct additional housing to accommodate 900 resident students, an increase of approximately 600 over the present enrollment. A student population of 900 will also require additional housing for faculty as well as ancillary staff and other personnel. It is anticipated that the funds appropriated under this legislation over the next 5 years will complete the Tsaile campus as well as enable the College to accommodate its rising enrollment. In addition, the College, because of the rising demand for its services throughout the reservation, has planned satellite campuses to serve students in other parts of the reservation who are unable to attend classes at Tsaile.

The legislation I have introduced, S. 468, cosponsored by my colleagues Senators Goldwater, DeConcini and Schmitt, will authorize additional construction funds for the Navajo Community College. This measure also proposes to change the existing formula for allocating funds to meet the operational costs of the college.

S. 468, if enacted, will amend Public Law 92-189 in two very important and fundamental ways.

As presently written Public Law 92-189 authorizes:

"An annual sum for operation and maintenance of the College that does not exceed the average amount of the per capita contribution made by the Federal Government for the education of Indian students at federally operated institutions of the same type."

The proposed amendment would change the present language of the law to read:

"An annual sum for operation and maintenance of the College equal to the average amount of per capita contribution made by the Federal Government."

The purpose of changing the language for operation and maintenance, that is, from "not to exceed" to "equal to" is necessary, because the Secretary of the Interior and specifically, the Bureau of Indian Affairs, has never provided adequate funds to operate and maintain the College.

My language would also remedy another serious problem associated with the operational funding of the College.

College officials had assumed from the discussions with the testimony presented to the Subcommittee on the Interior and Insular Affairs in both the House and the Senate, that the college would receive an amount which was to be the average of several postsecondary institutions operated by the Bureau of Indian Affairs, but not to exceed the average of these several schools. The unclear language contained in the present law has created confusion for both Federal and college officials. This has resulted in lower per capita allocations from the Bureau of Indian Affairs. To correct this less than adequate funding, the college has had to request an add-on directly from the Congress each year since 1972. Approximately $3 million has had to be provided by the Congress in an attempt to bring the college's operational funding to a par with other BIA supported schools. Nevertheless, these additional funds failed to meet the operational costs of the College. The proposed language should rectify a serious error while assuring the college of a more stable level of operational funding.

It has been the policy of the Bureau of Indian Affairs to treat Navajo Community College as being within the funds allocated to the Navajo Tribe. Under the BIA's procedure, an amount for higher education is made available to the Navajo Tribe; the Tribe subsequently allocates these monies to various educational projects, including the Navajo Community College. As a result, conflicts occur between the college and the Tribe over the funding level for the College. Also, Congressional intent is violated by this policy, since the Congress never intended that Navajo Community College be placed into competition with other Navajo programs.

Mr. Chairman, the Navajo Community College provides Navajo students with the unique opportunity to gain the skills they need to enter into the mainstream of American life while at the same time preserving their separate culture and identity. I believe that my amending language is necessary if we are to insure for the Navajo Community College direct access to the financial resources it needs so that it can continue upon a successful course. For the sake of those deserving Navajo students attending the Navajo Community College, I hope that my bill meets with Congressional approval.

Senator DOMENICI. Basically, I would submit to the chairman and the committee that the facts are pretty significant and almost speak for themselves about the Navajo people. Obviously their income level, in spite of our past efforts, and the level of education of the average Navajo—both of those very vital statistics find the Navajo people substantially below that which we accept as a norm in this country.

The average income is $712. The average education, in spite of BIA schools and efforts historically to help in the field, is about one-half or less that of the average education of other people in the region in which they live.

We, in America, are convinced today that an opportunity to get a higher education should exist for those who are going to end up being leaders and movers in any community of interest. It is absolutely required if you are going to move upward the basic standard of living, average education, and accomplishment.

We have a tremendous example of a successful college in the Navajo Nation. We are here today to support my bill. The bill has received the cosponsorship of the other three Senators from the two States involved: Senators Goldwater, DeConcini, and our new Senator, Senator Schmitt.

We are asking that you change the language with reference to the annual maintenance of this school. I think that the Chair knows that there is some confusion now because the language we used in the bill for maintenance uses some words like "average" or "no more than average." What that turns out to be, in this Senator's opinion, is not consistent with our intention. Our intention was that we authorize operation and maintenance funds on a par with what it is costing the BIA for schools. We have not been getting that kind of funding, and we cannot maintain this school unless at least that occurs.

That is a simple amendment. It is described in detail on the third page of my prepared statement.

In addition, Mr. Chairman, I am fully aware of your desire to set in motion a general bill to fund Indian higher education. We would urge that you treat this Navajo College separately this time around and keep it going. It is already in existence. There is a desperate need for some capital improvements spread over a 5-year period to keep this college on the momentum path that it is now on.

The facts are startling in terms of their successes. At their main college they have gone, in just a few years, up to a student enrollment of 1,200. They look to the future with anticipation. However, if we are not able to tell those who are administering that college that they are going to build the dormitories and the facilities for the teachers and some additional facilities for the students then we are very concerned that the optimism and the momentum that is there will cease.

Mr. Chairman, I strongly urge that this new committee consider this as a challenge. You will have tremendous support in the Senate for a bill which will give this college the 5-year capital funding and assure it the operation and maintenance that is needed, all of which

is described in the bill that you are having hearings on today—the Navajo community college bill—which I have described to you heretofore.

I would be pleased, with the assistance of the vice-chairman and some of his experts to answer any questions you may have, Mr. Chairman.

Senator ABOUREZK. We appreciate the amendment and we will consider it. I am sure that we will consider it favorably, because it does seem to clarify the language in the original bill.

I do not have any other questions to ask of you except to thank you and to congratulate once again the Navajo Tribe for putting together the community college concept. As I told Senator Schmitt a few minutes ago, it is one that has been copied by other tribes. We have two of them now in South Dakota. It is an excellent idea.

Senator DOMENICI. Mr. Chairman, I appreciate your willingness to understand and quickly commit on the statutory change for the operation and maintenance funds. I do hope that with reference to the 5-year capital improvement needs that you will consider the needs as described in our separate bill even if you go with a major across-the-board bill. I hope you will understand the significance of the levels of funding needed for the capital improvement program for this particular institution.

Thank you very much, Mr. Chairman.

Senator ABOUREZK. Wilson, would you like to bring your people up here again?

Mr. MCCABE. Mr. Chairman, before we start our testimony I would like to introduce some of the members of the board of regents here.

To my left is Mr. Wilford Billie, the principal of the Shiprock public schools.

To my right is Vice-Chairman Wilson Skeet, who has also served on the board of regents.

To my left rear is Mr. Robert Billy, also a councilman from Aneth, Utah, and a member of the tribal education committee.

Directly to my rear is Mr. George James, a councilman from the Tsaile area.

To my right rear is Delores Edwards, the principal at Acoma, on the Pueblo Reservation.

Senator ABOUREZK. I would like to welcome you all to the Indian Affairs Committee. I appreciate your coming here today.

STATEMENT OF WILSON SKEET, VICE CHAIRMAN, NAVAJO TRIBE

Mr. SKEET. Thank you, Mr. Chairman.

Mr. Chairman, I am the vice-chairman of the Navajo Tribal Council and one of the original members of the board of regents of the Navajo Community College.

Mr. MacDonald, chairman of the Navajo Tribal Council, is unable to be here, but he sends all of you his greetings.

The purpose for my appearing before this distinguished committee is to demonstrate the tribe's interests and strong support for S. 468. The enactment of the proposed amendments will greatly enhance and expand reservationwide education and training programs which the tribe envisioned when it first established the college several years ago.

As you well know, social indicators of every type put the American Indian at the very lowest levels in comparison to other American ethnic groups. American Indians are the least educated, suffer from high unemployment, have poor housing, poor health delivery systems, and suffer from many other socioeconomic factors affecting their development.

The Navajo Tribal Council in 1968 determined that one of the ways to address these severe economic and social problems was to create an environment where learning could take place without compromising the tribal culture, history, and language. At the same time, it was felt that those disciplines necessary to equip one to live in a dominant society could be taught in this context and thus Navajo Community College was founded.

Upon the chartering of the college, the tribal council also mandated that the college develop course offerings so that a large segment of the Navajo population could prepare and equip itself for management and administrative positions, as well as other professions and trades, so that they might assume the management responsibilities when the tribe realizes industrial and commercial development on a reservation-wide basis. I am happy to say that the college is addressing that charge.

Today, the Navajo people have come to realize the importance of an education and/or training for various job skills. Since 1969, the college has experienced enrollment increases from 551 in 1973 to over 2,000 today. Enrollment of this magnitude was not imagined when the Navajo Tribal Council created the college.

Because of the desire and crucial need to acquire further training and education for various reasons the college has suddenly become too small to carry out this mission throughout the reservation. The need for facilities due to the vast distances has become crucial as well as the need for funds to operate and maintain the institution on a sustained basis and to maintain quality.

There are still many Navajos who cannot obtain further education because of the great distances, lack of paved roads and so forth. There are many more Navajos who will be seeking more education and training in the future.

The Council in its wisdom provided this college for its people. It wants to see the college continue and expand so that many more can benefit. The Navajo Tribe knows that its young people will take the reins of government and lead the people to greater fulfullment both as individuals and as a tribe.

To dispel any thoughts that the college is independent of tribal control, I want to say that the college operates at the discretion of the council and the Navajo people. While it has delegated powers and authority to do many things, the college is ultimately responsible to the council. We believe that this arrangement is in keeping with the self-government concept as determined by the Navajo Nation.

I want to indicate too that the Navajo Tribe supports all other Indians in their quest to provide similar programs on their respective reservations as we have done. We support programs such as those sought under S. 1215 and we hope they are approved.

Mr. Chairman and members of the committee, we ask your favorable consideration on Senate bill S. 468.

Thank you very much.

Senator ABOUREZK. Wilson, thank you very much.

I would like to yield very briefly to Senator DeConcini from Arizona.

STATEMENT OF HON. DENNIS DeCONCINI, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator DECONCINI. Thank you, Mr. Chairman. I want to say "welcome" to our friends from Arizona. I am glad to be here, Mr. Chairman.

It is my pleasure to have an opportunity to come before your committee to discuss the advantages of the proposal before you. It is very important that this law be changed as submitted.

I have a prepared statement which I will submit for the record, so I need not impose upon your important witnesses today. They have far more information to give you regarding the real necessity of changing Public Law 92–189 to provide for the proper funding for the Navajo Community College.

I know, Mr. Chairman, from your deep interest in the Indian people and their problems that this will be given the utmost consideration. I sincerely thank you on behalf of all of the Indian people in Indian Nations in the State of Arizona for your dedication and willingness to give of your time and real concern to address these very, very important problems.

I would like to have your permission to have this prepared statement submitted for the record at this time. I would be most appreciative.

Thank you.

Senator ABOUREZK. Without objection, your prepared statement will be submitted into the record.

The Navajo people appreciate your support of this legislation, Senator, and for your concern as well for the welfare and well-being of the Indian tribes within the State of Arizona and around the country, in fact.

[The prepared statement of Senator DeConcini follows:]

Mr. Chairman it is my pleasure to have the opportunity to come before your committee today, to discuss the advantages of the proposal before the committee.

The Navajo Community College, located in the heart of Navajo country, in Tsaile, Ariz., has grown to become an integral and important part of the Navajo education system.

This legislation is designed to reauthorize Federal financial assistance to meet the college's continuing construction needs and to correct some serious problems in connection with the language providing Federal funds for operational costs.

Over the past 9 years the growth and growth potential exhibited by Navajo Community College has far outdistanced the modest hopes of its originators. Not only has the school graduated over 200 students but a great number of those graduates have gone on to 4-year colleges and graduate work. The record is impressive.

A year ago the school received its well earned accreditation by the North Central Association of College and Secondary Schools. It is not only a credit to the school administration, faculty and students, but a tribute to their collective devotion. This accreditation is one more example of the college's effort to provide the best education possible for its students and to serve the larger community as well.

There is now a great need for further expansion of campus facilities. Housing for 400 students and living quarters for the additional staff and faculty must be provided. The proposed amendments to Public Law 92–189 provide for the completion of additional dormitories and other needed facilities. It is anticipated

that the funds appropriated under this legislation over the next 5 years will complete the Tsaile campus. The funds will also enable the college to accommodate its rising enrollment. Additionally, the college has planned satellite campuses to serve students in other parts of the reservation who are unable to attend classes at Tsaile.

This legislation will also change the existing formula for allocating funds to meet the operational costs of the college.

The unclear language contained in the present law has created confusion for both Federal and college officials.

This has resulted in lower per capita allocations from the Bureau of Indian Affairs. To correct this the college has had to request an add-on directly from the Congress each year since 1972. The proposed language should change this serious error while assuring the college of a more stable level of operational funding.

Over the past 10 years, this Congress and the Federal Government have made long needed advances in the areas of Indian self-determination. But as with other new programs, education is the cornerstone to effective self-determination. This committee and this Senate can prove its devotion to these goals by providing for the continued and improved education of young Navajos.

Mr. Chairman, when we discuss legislative proposals we often get lost in numbers: Funding amounts, dimensions, cost/efficiency ratios. But we also know that very important qualities and values are interwoven in legislation affecting education, especially Indian education. We cannot adequately define those values for the Navajos, they have to do that themselves, and they are willing. We can however help turn those values and goals into realities.

Navajo Community College president, Thomas Atcitty, described it best when writing to the 1976 graduating class:

"You have traveled the bridge that the Navajo people have built for you between your Navajo homeland and the world which surrounds us."

We can now help provide for adequately prepared young Navajo's who will come back and lead their people.

Mr. Chairman, the Navajo Community College is the first college established on an Indian reservation and its commitment to serving the challenging educational needs of Indian people is worthy of Federal support. The amendments we are proposing will strengthen the college and make it an even more viable instrument in the continuing efforts to realize the educational goals of our Indian citizens.

Senator ABOUREZK. We are going to make Senator DeConcini an ex officio member of the committee. He testifies on every bill that comes before us. Most of them have to do with the Southwest—like the water rights. He just introduced a good bill for the Ak-Chin Indian Community on the water rights issue down there and testified before this committee the other day.

I certainly appreciate it as one who advocates the rights of the Indian people. I appreciate the support of people like Senator DeConcini.

Senator DECONCINI. Thank you. I will stay a few minutes longer, if you do not mind. I would like to listen to the testimony.

Senator ABOUREZK. Surely.

STATEMENT OF DONALD McCABE, PRESIDENT, NAVAJO COMMUNITY COLLEGE

Mr. MCCABE. Mr. Chairman, distinguished members of the committee, ladies and gentlemen, my name is Donald McCabe. I am the president of the Navajo Community College located on the Navajo Indian Reservation. First, I would like to thank the committee for permitting me to testify on Senate bill S. 468 which we hope will be accepted and passed. This bill is very critical for the future development of the Navajo Nation.

In this respect I would also like to insert a remark here. As you know, Mr. Skeet said in his statement that we do support other

Indian colleges in their quest for a similar type of bill—the Navajo Community College Act.

In this regard we are a member of the American Indian Higher Education Consortium, which consists of Indian-controlled community colleges. The membership includes four junior colleges in North Dakota, one in Wisconsin, one in California, and the other in Alaska.

We do support them in every respect and we hope that in the near future they can have a bill similar to ours or one like it that will also enhance the educational opportunities on their reservations.

In 1968, the Navajo Tribal Council established and chartered the Navajo Community College so that educational opportunities could be made available to the Navajo people to meet the individual and career needs as well as the accelerating manpower needs of the Navajo Nation in its quest for self determination.

The strategy to establish a higher education institution on the Navajo Reservation was to provide the necessary mechanism for the development of programs which would coincide with the identified socioeconomic needs for the overall social and economic plan of the tribe.

During the first academic year, 1969, the enrollment of the college was 551 full-time equivalent students. Enrollment since then has steadily increased to a projected full time equivalent of 2,000 for the 1977 academic year.

We have heard conflicting figures here this morning. I think you heard a figure of around 300, but that was for the incomplete year of 1968, when the college was first established. That is where the discrepancy lies.

During its initial stages of development, the Navajo tribal leadership successfully sought passage by the U.S. Congress of the Navajo Community College Act of 1971. Under the authorization and appropriations stipulated in that act, the college began the construction of facilities at Tsaile, Ariz., in the heart of the Navajo Reservation.

The present capital investment represents $16.5 million with one-third attributable to the Navajo Community College Act, one-third to tribal loans, and one-third to Federal loans and private gifts.

An analysis of funding patterns and enrollment figures since 1973, compiled in May 1977, indicate that the BIA has funded Navajo Community College at a rate significantly lower than it funds students at the three BIA junior colleges. This is one of the things that we would like to change.

One of the significant developments in the college's development has been its accreditation by the North Central Accreditation Association in July 1976.

The Navajo tribal council in 1976 chartered the American Indian School of Medicine and is presently forging ahead to make it a reality. The tribal council and board of regents of our college are discussing plans to charter a 4-year college within 5 to 8 years.

This plan is being forced upon the Navajo people because of the great needs that we have, our unique situation, our geographical location, and our large land expense, as well as the population of our tribe.

Through its initial phase of growth and development the Navajo Tribe feels that the college has effectively demonstrated the concepts of effective tribal control and management and the delivery of quality

education by meeting those unique objectives and goals in an environment that accepts and respects Navajo tradition, culture, and history.

The projections indicate an accelerated enrollment and program demands. To establish and insure adequate funding the Navajo Tribe at the present time seeks amendments to the Navajo Community College Act of 1971.

Thus, Senate bill S. 468 will increase the authorization for construction by $52.5 million to be appropriated over a 5-year period. This amount will be expended at a rate of $10.5 million per year on the college's 5-year development plan. An escalation factor is included in the projected construction costs.

The 5-year authorization for construction allows Navajo Community College to construct additional dormitories at Tsaile to increase its resident student capacity from 300 to 700. In addition, 50 staff and faculty housing units will be built along with the other supportive services that are usually required in the expansion of a campus.

The total expenditure for the Tsaile campus sought under S. 468 will be approximately $10,998,750.

At Shiprock, N. Mex., and Tuba City, Ariz., communities at the eastern and western extremities of the reservation, the construction of physical facilities has also been scheduled as a part of the plan. The total cost of the Tuba City and Shiprock projects is approximately $14 million at each site.

In addition, five outreach centers are planned but the sites have not been selected. These outreach centers will cost approximately $2,746,800 each.

In addition to the amendment pertaining to additional construction, another amendment we seek is to have the present language in the present law changed so that there is no confusion about the amount of operating and maintenance funds NCC is to receive annually through the Bureau of Indian Affairs.

We had thought that since the act called for not less than the average per pupil cost for operation of similar BIA schools that we would get no less than the average the BIA is expending.

However, the BIA has arbitrarily reduced our budget requests each year, although an agreement was consummated between the then-Commissioner of BIA and the president of Navajo Community College in 1972 as to the procedures to be followed when disagreement arose over the budget and money allocations.

Needless to say, this procedure has never been followed. We are forced to seek "add-ons" each year.

Not included in my testimony, but in my conversations with some of the members of the Bureau staff here this morning, I understand that the BIA testimony is not supportive of S. 468. This, however, does not come as a surprise to us considering their past performance.

To resolve this problem of unequal funding and to seek an amendment, we seek an amendment to the language of the present law from "that does not exceed the average" to "equal to the average," so that we can be assured that funds are adequate and at least equal to those amounts expended by BIA to operate its schools. To highlight the difference, the tentative allocation in fiscal year 1978 for Navajo Community College is about $2,210 per student while the BIA allocation will probably be in excess of $6,500 per student to operate its three postsecondary institutions.

By modifying the language of these amendments, we hope to rectify these problems and hope to receive adequate funds to carry out our responsibilities.

We have patiently worked with BIA all these years, and yet the bottom line tells us, based on our experiences, that the agency that is supposed to help us finds more ways not to help us or to cooperate with us than any person or other agencies with whom we have dealt. This is a sorry situation, and one which we propose to eliminate through legislation.

In further justification of our requests, we would like to bring your attention to some other related facts.

First, as you may be aware, the Navajo Reservation is about the size of the State of West Virginia. According to the BIA in January 1976, there were over 150,000 Navajos residing on the reservation. The median age is 20.5 years. The annual per capita income is around $1,200 as compared to about $3,500 nationally.

The infant mortality rate is substantially higher than the national average. The life expectancy for a Navajo is about 40 years, while nationally it is about 60 years or longer.

The average education level obtained for all Navajos is approximately the fifth-grade level compared to the 10th grade, nationally. Over 50 percent of Navajo homes have no utilities. Paved roads on the reservation are limited even where families and communities have existed for decades as opposed to paved roads to national recreation areas of the United States which are used only for part of the year.

The booklet attached contains more information about Navajo Community College. We hope that you and your staff will have a chance to examine its contents.

To summarize our reasons for requesting additional authorizations for construction in the proposed amendment, I would like to cite the following:

Full-time equivalent enrollment at Navajo Community College has grown from 551 in 1969 to approximately 2,000 in 1977.

There are approximately 52,500 Navajos between the ages of 17 through 34, inclusive.

We propose to construct new facilities at Shiprock, N. Mex., and at Tuba City, Ariz., to accommodate an additional 800 students—400 at each site. Each campus will cost about $14 million, based on 1975 cost estimates.

Five-day class facilities are proposed to accommodate 750 students, 150 at each site, at a cost of $2,746,800 each.

Additional facilities are proposed for Tsaile, Ariz., to accommodate a total of 700 resident students and to build ancillary facilities to house staff and faculty, provide maintenance shops, fire protection, water, sewage disposal, and the paving of streets. This cost is estimated at $10.4 million.

By modifying the original language of the act, we also seek to amend the act by changing the language with respect to operation and maintenance funds from "that does not exceed" to "equal to." This will help us substantially to meet our present and future costs more realistically.

Attached to my testimony are letters of support for S. 468 from Gov. Raul Castro of Arizona and Gov. Jerry Apodaca of New Mexico.

We also have a letter of support from the Clearinghouse for Community Based Free Standing Educational Institutions, an organization representing 30 community-based postsecondary education institutions serving the major ethnic groups in the United States.

We have also been in constant contact with Senator Domenici, the sponsor, and Senators Goldwater, DeConcini, and Schmitt, the cosponsors of S. 468, who have indicated their interest and support for enactment.

In closing, I wish to thank you and the committee for your patience and understanding. I hope you will consider our requests favorably. At this time, I wish to extend an invitation to each of you to visit our present campus at Tsaile, Ariz., so that you can learn firsthand about our goals and objectives, our lifestyle, see our homeland, and above all, to meet our people.

Thank you very much.

Senator ABOUREZK. Thank you very much.

Will passage of S. 468 insure that Navajo Community College moneys are received annually—the funding prescribed by the formula in that bill?

Mr. MCCABE. Yes; it will.

Senator ABOUREZK. Why should the Navajo Community College not be subject to band analysis, as other private programs are?

Mr. MCCABE. I think, at the present time, it is subject to the band.

Senator ABOUREZK. But you are proposing that it not be.

Mr. MCCABE. Right; that is correct.

Senator ABOUREZK. What is the reason for that?

Mr. MCCABE. One of the main reasons is that, in the band, there is only one category that is labeled "higher education." In that category, the funds of the Navajo Community College are included. That sort of muddies up the water insofar as to how that amount is going to be allocated by the Bureau of Indian Affairs.

They have the right to vary the amount that would go to the Navajo Community College if it is banded. If we were not banded, then whatever amount is appropriated will go directly to the college. By "directly" I mean through the Navajo Tribe to the college.

Senator ABOUREZK. Under this legislation can the Navajo Tribal Council divert moneys appropriated for the community college for tribal use?

Mr. MCCABE. I did not quite understand that.

Senator ABOUREZK. Under this legislation can the Navajo Tribal Council divert money intended for the community college to other tribal purposes?

Mr. MCCABE. No; it cannot, because these are earmarked specifically for NCC operations. The tribe cannot divert these funds.

Senator ABOUREZK. Should the tribe have that power?

Mr. MCCABE. No; it does not have that power because it is in the Navajo Community College Act that these amounts will be expended for the operation of the Navajo Community College.

Senator ABOUREZK. Are you in support or in opposition to S. 1215, the general community college bill?

Mr. MCCABE. No, we are not in opposition to it, although we would like to have our Navajo Community College bill remain intact, however, because we have this bill here and we would like to have the Navajo Community College Act remain intact or at least not be

changed—for the simple reason that our tribe is the largest in the United States. We have different needs. Our objectives and goals are different. Our geographical location and the expanse of the Navajo Reservation is so great that we do think that we cannot be compared to the smaller tribes of the United States, which have populations of 300 or more. I think the Navajo Tribe represents about one-fourth or one-third of the total Indian population of the United States.

Senator ABOUREZK. What are your feelings about attaching your bill, intact, as a separate title to the general bill that we are considering?

Mr. MCCABE. We are agreeable with that arrangement.

Senator ABOUREZK. Thank you very much.

I want to thank you all for your testimony and for your appearance here today.

Mr. SKEET. Mr. Chairman, in the introduction I would like to make one correction. Wilford Billey, principal of Shiprock Schools was introduced, I believe, as Robert Billey.

Second, in the interest of time President McCabe summarized his prepared written statement. I would like the total prepared written statement to be part of the record.

Senator ABOUREZK. Without objection, it will be made part of the record.

Mr. SKEET. Thank you very much.

Senator ABOUREZK. We have a prepared statement from Senator Goldwater also, He has asked us to insert it in the record. We will do that at the appropriate point, without objection.

Mr. Thomas Shortbull, president of Oglala Sioux Community College, Pine Ridge, S. Dak., has also submitted a prepared statement for the record.

[The prepared statements of Donald McCabe, Senator Goldwater, and Thomas Shortbull follow.]

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TESTIMONY OF

DONALD A. MCCABE, PRESIDENT
NAVAJO COMMUNITY COLLEGE
TSAILE, ARIZONA

PRESENTED TO

SENATOR JAMES ABOUREZK, CHAIRMAN
SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES CONGRESS

JULY 28, 1977

MR. CHAIRMAN, DISTINGUISHED MEMBERS OF THE COMMITTEE, LADIES AND GENTLEMEN. MY NAME IS DONALD A. MCCABE. I AM THE PRESIDENT OF THE NAVAJO COMMUNITY COLLEGE LOCATED ON THE NAVAJO INDIAN RESERVATION. FIRST, I WOULD LIKE TO THANK THE COMMITTEE FOR PERMITTING ME TO TESTIFY ON SENATE BILL S.468 WHICH WE HOPE WILL BE ACCEPTED AND PASSED. THIS BILL IS VERY CRITICAL FOR THE FUTURE DEVELOPMENT OF THE NAVAJO NATION.

IN 1968, THE NAVAJO TRIBAL COUNCIL ESTABLISHED AND CHARTERED NAVAJO COMMUNITY COLLEGE SO THAT EDUCATIONAL OPPORTUNITIES COULD BE MADE AVAILABLE TO THE NAVAJO PEOPLE TO MEET THEIR INDIVIDUAL CAREER NEEDS AS WELL AS THE ACCELERATING MANPOWER NEEDS OF THE NAVAJO NATION IN ITS QUEST FOR SELF DETERMINATION. THE STRATEGY TO ESTABLISH A HIGHER EDUCATION INSTITUTION ON THE NAVAJO RESERVATION WAS TO PROVIDE THE NECESSARY MECHANISM FOR THE DEVELOPMENT OF PROGRAMS WHICH WOULD COINCIDE WITH THE IDENTIFIED SOCIO-ECONOMIC NEEDS FOR THE OVER-ALL SOCIAL AND ECONOMIC DEVELOPMENT PLAN OF THE TRIBE. IN OTHER WORDS, THE CONCEPT OF A NAVAJO COMMUNITY COLLEGE WAS TO PROVIDE AN EDUCATION AND THE TRAINING FOR THE ACQUISITION OF THOSE SKILLS NECESSARY TO ASSUME RESPONSIBLE POSITIONS WHICH WOULD RAPIDLY EMERGE AS A CONSEQUENCE OF INDUSTRIAL, SOCIAL, AND COMMERCIAL DEVELOPMENT ON OR NEAR THE RESERVATION. THE ULTIMATE CONSEQUENCE OF PROVIDING THESE EDUCATIONAL AND TRAINING OPPORTUNITIES TO NAVAJO PEOPLE WOULD BE COMPLEMENTARY TO ECONOMIC AND SOCIAL

DEVELOPMENT AND TO RAISE THE SOCIO-ECONOMIC STATUS OF THE INDIVIDUAL NAVAJO FAMILY. PRESENT STATISTICS INDICATE THAT THE STANDARD OF LIVING OF THE NAVAJO IS FAR BELOW THE NATIONAL AVERAGE REGARDLESS OF THE STATISTICS ONE WOULD CARE TO EXAMINE. THUS, NAVAJO COMMUNITY COLLEGE'S FUTURE IS INSEPARABLY BOUND TO THE GROWTH, DEVELOPMENT AND ULTIMATE WELFARE OF THE NAVAJO PEOPLE AND THEIR NATION.

DURING THE FIRST ACADEMIC YEAR (1969), THE ENROLLMENT OF THE COLLEGE WAS 551 FULL TIME EQUIVALENT (FTE) STUDENTS. ENROLLMENT SINCE THEN HAS STEADILY INCREASED TO A PROJECTED FTE OF 2,000 FOR THE 1977 ACADEMIC YEAR. THUS THE COLLEGE IS GROWING RAPIDLY IN TERMS OF STUDENT ENROLLMENT; IN TERMS OF EXPANDED OUTREACH PROGRAMS TO RESERVATION COMMUNITIES; AND IN TERMS OF THE VARIED EDUCATIONAL AND COMMUNITY SERVICES IT IS ASKED TO RENDER.

DURING ITS INITIAL STAGES OF DEVELOPMENT, THE NAVAJO TRIBAL LEADERSHIP SUCCESSFULLY SOUGHT PASSAGE BY THE U.S. CONGRESS THE NAVAJO COMMUNITY COLLEGE ACT OF 1971. UNDER THE AUTHORIZATION AND APPROPRIATIONS STIPULATED IN THAT ACT, THE COLLEGE BEGAN THE CONSTRUCTION OF FACILITIES AT TSAILE, ARIZONA, IN THE HEART OF THE NAVAJO RESERVATION. THIS WAS THE FIRST PHASE OF THE CONSTRUCTION PLAN. THE PRESENT CAPITAL INVESTMENT REPRESENTS $16.5 MILLION WITH 1/3 OF THE CONSTRUCTION ATTRIBUTABLE TO THE NCC ACT, 1/3 ATTRIBUTABLE TO TRIBAL LOANS AND 1/3 TO FEDERAL LOANS AND PRIVATE GIFTS. OPERATION AND MAINTENANCE FUNDS OVER THE YEARS HAVE BEEN RECEIVED PRIMARILY THROUGH THE

BUREAU OF INDIAN AFFAIRS WHO HAVE ACTED AS AN INTERMEDIARY AGENCY FOR THE ALLOCATION OF FUNDS AUTHORIZED IN THE ORIGINAL ACT. HOWEVER, AN ANALYSIS OF FUNDING PATTERNS AND ENROLLMENT FIGURES SINCE 1973 COMPILED IN MAY 1977 INDICATE THAT THE BIA HAS FUNDED NCC AT A RATE SIGNIFICANTLY LOWER THAN IT FUNDS STUDENTS AT THE THREE BIA JUNIOR COLLEGES.

A SIGNIFICANT LANDMARK IN THE COLLEGE'S DEVELOPMENT HAS BEEN ITS ACCREDITATION BY THE NORTH CENTRAL ACCREDITATION ASSOCIATION IN JULY 1976. ACCELERATED DEMANDS ARE BEING MADE TO BRING COLLEGE LEVEL COURSES TO VARIOUS COMMUNITIES THROUGHOUT THE RESERVATION. EXTENSIVE AGRICULTURAL DEVELOPMENT IN THE NORTHCENTRAL PART OF THE RESERVATION HAS MANDATED THE ESTABLISHMENT AND RAPID DEVELOPMENT OF THE SHIPROCK, NEW MEXICO, BRANCH CAMPUS WHICH IS NOW HOUSED IN TRAILERS. A VAST AGRICULTURAL TRAINING PROGRAM DURING 1977-78 TO MEET THE NEEDS OF THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY PRODUCTION NEEDS IS IN PROGRESS. EXTENSION PROGRAMS IN OTHER COMMUNITIES THROUGHOUT THE RESERVATION, A LAND MASS THE SIZE OF THE STATE OF WEST VIRGINIA, ARE EXPANDING RAPIDLY TO MEET BOTH INDIVIDUAL NEEDS AND THE MANPOWER REQUISITES IN THE VOCATIONAL-TECHNICAL AND PROFESSIONAL FIELDS.

THE NAVAJO TRIBAL COUNCIL IN 1976 CHARTERED THE AMERICAN INDIAN SCHOOL OF MEDICINE AND IS PRESENTLY FORGING AHEAD TO MAKE IT A REALITY. THE TRIBAL COUNCIL AND BOARD OF REGENTS

OF OUR COLLEGE ARE DISCUSSING PLANS TO CHARTER A FOUR YEAR COLLEGE WITHIN 5 TO 8 YEARS. ONCE A FOUR YEAR COLLEGE OR UNIVERSITY IS ESTABLISHED, IT IS PLANNED TO INCLUDE THE MEDICAL SCHOOL AND OTHER COLLEGES USUALLY INCLUDED WITHIN A UNIVERSITY AND WHICH WILL SERVE THE ECONOMIC, SOCIAL, POLITICAL DEVELOPMENT AND GENERAL WELL-BEING OF THE NAVAJO PEOPLE. THE NAVAJO COMMUNITY COLLEGE WOULD BECOME A PART OF THE UNIVERSITY AND CONTINUE AS THE MAIN CAMPUS OF THE UNIVERSITY TO SERVE THE POST-SECONDARY EDUCATIONAL NEEDS OF NAVAJO COMMUNITIES

THROUGH ITS INITIAL PHASE OF GROWTH AND DEVELOPMENT THE NAVAJO TRIBE FEELS THAT THE COLLEGE HAS EFFECTIVELY DEMONSTRATED THE CONCEPTS OF EFFECTIVE TRIBAL CONTROL AND MANAGEMENT AND THE DELIVERY OF QUALITY EDUCATION BY MEETING THOSE UNIQUE OBJECTIVES AND GOALS IN AN ENVIRONMENT THAT ACCEPTS AND RESPECTS NAVAJO TRADITION, CULTURE AND HISTORY.

SINCE PROJECTIONS INDICATE AN ACCELERATED ENROLLMENT AND PROGRAM DEMANDS TO MATCH DEVELOPMENTS WITHIN THE NAVAJO NATION, THE NEED TO EXPAND THE NAVAJO COMMUNITY COLLEGE FACILITIES ON A RESERVATION-WIDE BASIS IS ESSENTIAL AT THIS TIME. MOREOVER THE NEED TO ESTABLISH AND ENSURE ADEQUATE FUNDING FOR THE OPERATION AND MAINTENANCE ON A SUSTAINED BASIS NOW AND IN THE FUTURE, COMPELS THE NAVAJO TRIBE TO SEEK AMENDMENTS TO THE NCC ACT OF 1971.

THUS SENATE BILL S.468 WILL INCREASE THE AUTHORIZATION FOR CONSTRUCTION BY $52.5 MILLION DOLLARS TO BE APPROPRIATED OVER A FIVE YEAR PERIOD. THIS AMOUNT WILL BE EXPENDED AT A RATE OF $10.5 MILLION PER YEAR ON THE COLLEGE'S FIVE YEAR DEVELOPMENT PLAN. (AN ESCALATION FACTOR IS INCLUDED IN THE PROJECTED CONSTRUCTION COSTS.)

THE FIVE YEAR AUTHORIZATION FOR CONSTRUCTION WILL ALLOW NAVAJO COMMUNITY COLLEGE TO CONSTRUCT ADDITIONAL DORMITORIES AT TSAILE TO INCREASE ITS RESIDENT STUDENT CAPACITY FROM 300 TO 700. IN ADDITION, 50 STAFF AND FACULTY HOUSING UNITS WILL BE BUILT. BADLY NEEDED MAINTENANCE SHOPS, FACULTY AND ADMINISTRATIVE OFFICES, A FIRE STATION AND ATHLETIC FIELDS WILL ALSO BE INCLUDED IN THE DEVELOPMENT SCHEDULE. THE ACCESS-ROAD FROM THE MAIN HIGHWAY WILL BE PAVED, A STORM SEWER SYSTEM WILL BE CONSTRUCTED, TWO NEW WATER WELLS WILL BE DEVELOPED AS WELL AS ADDITIONAL PARKING AND CAMPUS LIGHTING. THE TOTAL AMOUNT TO BE ALLOCATED TO THE TSAILE CAMPUS UNDER THE CONSTRUCTION AUTHORIZATION SOUGHT BY S.468 WILL BE APPROXIMATELY $10,998,750.

AT SHIPROCK, NEW MEXICO, AND TUBA CITY, ARIZONA, COMMUNITIES AT THE EASTERN AND WESTERN EXTREMITIES OF THE RESERVATION, THE CONSTRUCTION OF PHYSICAL FACILITIES HAVE ALSO BEEN SCHEDULED AS PART OF THE OVERALL PLAN. DORMITORY FACILITIES TO HOUSE 200 STUDENTS; CLASSROOMS AND VOCATIONAL SHOPS; ADMINISTRATION AND FACULTY OFFICES; A CAFETERIA-STUDENT UNION, LIBRARY, GYMNASIUM,

MAINTENANCE SHOPS, AND ATHLETIC FIELDS AND FACULTY HOUSING ARE THE COMPONENTS PLANNED FOR THOSE TWO CAMPUS COMPLEXES. THE TOTAL COST IS APPROXIMATELY $14 MILLION FOR EACH SITE, OR A TOTAL OF $28 MILLION.

FIVE OUTREACH CENTERS ARE PLANNED BUT THE SITES HAVE NOT YET BEEN SELECTED. PLANS FOR THE FIVE CENTERS INCLUDE: CLASSROOMS, ADMINISTRATIVE AND FACULTY OFFICES, A MINI-LIBRARY AND STUDENT LOUNGE, A SNACK BAR, MAINTENANCE SHOP, OUTDOOR RECREATIONAL FACILITIES AND FACULTY HOUSING. SITE IMPROVEMENTS, UTILITIES AND PARKING AND EXCESS ROADS WILL ALSO BE NEEDED. THE COST FOR EACH SITE WILL BE $2,746,800 OR A TOTAL OF $13,734,000 FOR EACH OF THE FIVE SITES.

IN ADDITION TO THE AMENDMENT PERTAINING TO ADDITIONAL CONSTRUCTION, ANOTHER AMENDMENT WE SEEK IS TO HAVE THE PRESENT LANGUAGE IN THE PRESENT LAW CHANGED SO THAT THERE IS NO CONFUSION ABOUT THE AMOUNT OF OPERATING AND MAINTENANCE FUNDS NCC IS TO RECEIVE ANNUALLY THROUGH THE BUREAU OF INDIAN AFFAIRS. THIS IS NECESSARY DUE TO THE FACT THAT SINCE THE ENACTMENT OF THE NAVAJO COMMUNITY COLLEGE ACT IN 1971 WE HAVE HAD TO FIGHT TOOTH AND NAIL WITH THE BIA ABOUT OUR ANNUAL APPROPRIATION. WE HAD THOUGHT THAT SINCE THE ACT CALLED FOR NOT LESS THAN THE AVERAGE PER PUPIL COST FOR OPERATION OF SIMILAR BIA SCHOOLS THAT WE WOULD GET NO LESS THAN THE AVERAGE THE BIA IS EXPENDING. EVERY YEAR

THROUGH 1975 WE APPEARED BEFORE THE APPROPRIATIONS COMMITTEES OF THE CONGRESS SEEKING ADDITIONAL APPROPRIATIONS FOR THE OPERATION OF NCC AND ONLY THROUGH THE GENEROSITY OF THE CONGRESS HAVE WE BEEN ABLE TO SURVIVE AND GROW AND TO PROVIDE EDUCATIONAL OPPORTUNITIES FOR THE NAVAJO PEOPLE AND OTHERS. THE BIA HAS ARBITRARILY REDUCED OUR BUDGET REQUESTS EACH YEAR ALTHOUGH AN AGREEMENT WAS CONSUMMATED BETWEEN THE THEN COMMISSIONER OF BIA AND THE PRESIDENT OF NCC IN 1972 AS TO THE PROCEDURES TO BE FOLLOWED WHEN DISAGREEMENTS AROSE OVER THE BUDGET AND MONEY ALLOCATIONS. NEEDLESS TO SAY THIS PROCEDURE HAS NEVER BEEN FOLLOWED AND WE WERE FORCED TO SEEK "ADD ONS" EACH YEAR.

TO RESOLVE THIS PROBLEM WE SEEK TO AMEND THE LANGUAGE IN THE PRESENT LAW FROM "...THAT DOES NOT EXCEED THE AVERAGE..." TO "...EQUAL TO THE AVERAGE..." SO THAT WE CAN BE ASSURED THAT FUNDS ARE ADEQUATE AND AT LEAST EQUAL TO THOSE AMOUNTS EXPENDED BY BIA TO OPERATE ITS SCHOOLS. TO HIGHLIGHT THE DIFFERENCE, THE TENTATIVE ALLOCATION IN FY'78 FOR NCC IS ABOUT $2,210 PER STUDENT WHILE THE BIA ALLOCATION WILL PROBABLY BE IN EXCESS OF $6,500 PER STUDENT TO OPERATE ITS THREE POSTSECONDARY INSTITUTIONS. WE ARE GUESSING AT THE $6,500 PER STUDENT COST SINCE WE HAVE BEEN UNABLE TO OBTAIN THIS INFORMATION FROM THE BIA. THE STAFF OF THE EDUCATION AND LABOR COMMITTEE OF THE HOUSE PROVIDED US WITH SOME INFORMATION WHICH BIA SUBMITTED TO THE OFFICE OF MANAGEMENT AND BUDGET IN 1976. THIS INFORMATION AND CONVERSATIONS WITH BIA STAFF LEAD US TO BELIEVE THAT $6,500 PER PUPIL OR MORE, IS A REALISTIC FIGURE. WE WONDER AT THE PER PUPIL COSTS CITED

BY BIA BECAUSE MAINTENANCE AND FOOD SERVICES ARE NOT INCLUDED. FURTHERMORE, OUR COSTS ARE GREATER SINCE WE MUST PAY THE MARKET PRICE AS OPPOSED TO BIA'S COSTS TO ACQUIRE GOODS, SUPPLIES AND EQUIPMENT THROUGH FEDERAL GOVERNMENT PROCUREMENT SERVICE AT GREAT SAVINGS. IN ADDITION, WE PAY FOR TELEPHONES, UTILITIES, CAMPUS SECURITY, ROAD AND STREET MAINTENANCE, GARBAGE COLLECTION AND SO ON WHICH BIA DOES NOT HAVE TO PAY BECAUSE THESE UTILITIES AND SERVICES ARE OFTEN PROVIDED BY THE CITIES IN WHICH BIA SCHOOLS ARE LOCATED. WE ESTIMATE THAT OUR PER PUPIL COST EXCEEDS BIA'S COST BY AS MUCH AS 35% PER PUPIL BECAUSE OF THESE DIFFERENT FACTORS AND CIRCUMSTANCES.

BY MODIFYING THE LANGUAGE IN THESE AMENDMENTS WE HOPE TO RECTIFY THESE PROBLEMS AND HOPE TO RECEIVE ADEQUATE FUNDS TO CARRY OUT OUR RESPONSIBILITIES.

WE HAVE PATIENTLY WORKED WITH BIA ALL THESE YEARS AND YET THE BOTTOM LINE TELLS US, BASED ON OUR EXPERIENCES, THAT THE AGENCY THAT IS SUPPOSED TO HELP US FINDS MORE WAYS NOT TO HELP OR COOPERATE THAN ANY PERSON OR OTHER AGENCIES WITH WHOM WE HAVE DEALT. THIS IS A SORRY SITUATION AND ONE WHICH WE PROPOSE TO ELIMINATE BY LEGISLATION.

MR. CHAIRMAN, WHAT I HAVE STATED ABOVE REGARDING AUTHORIZATIONS FOR CONSTRUCTION AND MODIFYING THE PRESENT LANGUAGE SO THAT EQUAL FUNDING ON A PER STUDENT BASIS WITH BIA OPERATIONS IS

ASSURED ARE THE THINGS WE SEEK THROUGH THE PROPOSED AMENDMENTS. MOST IMPORTANT IS THAT WE HOPE ANY PROCEDURES DEVELOPED BY THE BIA WILL BE DEVELOPED AMONG ALL PARTIES CONCERNED NOW AND IN THE FUTURE.

ALSO, IN FURTHER JUSTIFICATION OF OUR REQUESTS, WE WANT TO BRING TO YOUR ATTENTION SOME OTHER RELATED FACTS.

FIRST, AS YOU MAY BE AWARE, THE NAVAJO RESERVATION IS ABOUT THE SIZE AS THE STATE OF WEST VIRGINIA. ACCORDING TO THE BIA IN JANUARY 1976 THERE WERE OVER 150,000 NAVAJOS RESIDING ON RESERVATION. THE MEDIAN AGE IS 20.5 YEARS. THE ANNUAL PER CAPITA INCOME IS AROUND $1,200 AS COMPARED TO ABOUT $3,500 NATIONALLY. THE INFANT MORTALITY RATE IS SUBSTANTIALLY HIGHER THAN THE NATIONAL AVERAGE. THE LIFE EXPECTANCY FOR A NAVAJO IS ABOUT 40 YEARS WHILE NATIONALLY IT IS ABOUT 60 YEARS OR LONGER. THE AVERAGE EDUCATION LEVEL ATTAINED FOR ALL NAVAJOS IS APPROXIMATELY THE 5TH GRADE LEVEL COMPARED TO 10TH GRADE NATIONALLY, OVER 50% OF NAVAJO HOMES HAVE NO UTILITIES. PAVED ROADS ON THE RESERVATION ARE LIMITED EVEN WHERE FAMILIES AND COMMUNITIES HAVE EXISTED FOR DECADES AS OPPOSED TO PAVED HIGHWAYS TO NATIONAL RECREATION AREAS IN THE U.S. WHICH ARE USED ONLY PART OF THE YEAR.

NEEDLESS TO SAY, OUR PRIMARY INTEREST AND DESIRE IS TO PROVIDE POSTSECONDARY EDUCATION AND TRAINING AND OTHER OPPORTUNITIES FOR OUR PEOPLE BETWEEN THE AGES OF 17 AND 34, INCLUSIVE, SO THAT

AT SOME POINT IN TIME THE NAVAJO TRIBE WILL HAVE TRAINED MEMBERS TO MANAGE AND OPERATE THOSE TRIBAL PROGRAMS NOW IN EXISTENCE OR PLANNED FOR THE FUTURE. AS WE ALL KNOW, ONLY THROUGH EDUCATION AND TRAINING DOES ONE DEVELOP CONFIDENCE IN HIMSELF TO SURVIVE IN THE LARGER SOCIETY. FOR THE NAVAJOS THIS IS MORE DIFFICULT SINCE WE HAVE OUR OWN HOMELAND, OUR OWN VIABLE CULTURE WHICH REMAINS, FOR THE MOST PART, THE SAME AS IT WAS BEFORE CONTACT WITH THE NON-INDIANS. AT NCC WE STRIVE TO CREATE PRIDE IN ONE'S LANGUAGE AND CULTURE AND KNOWLEDGE ABOUT NAVAJO HISTORY. WE THUS HOPE TO CREATE CONFIDENCE BY USING A CULTURAL APPROACH SO THAT OUR STUDENTS CAN LIVE AND WORK IN THE DOMINANT SOCIETY UNDAUNTED BY THE COMPETITION AND CULTURE SHOCK THEY MAY EXPERIENCE DURING THEIR LIFETIME.

THE BOOKLET ATTACHED HAS MORE INFORMATION ABOUT NCC. WE HOPE THAT YOU AND YOUR STAFF WILL HAVE A CHANCE TO EXAMINE ITS CONTENTS.

TO SUMMARIZE OUR REASONS FOR REQUESTING ADDITIONAL AUTHORIZATIONS FOR CONSTRUCTION IN THE PROPOSED AMENDMENT, I WOULD LIKE TO CITE THE FOLLOWING:

1. FULL TIME EQUIVALENT ENROLLMENT AT NCC HAS GROWN FROM 551 IN 1969 TO APPROXIMATELY 2000 IN 1977.
2. THERE ARE APPROXIMATELY 52,500 NAVAJOS BETWEEN THE AGES OF 17 THROUGH 34, INCLUSIVE
3. WE PROPOSE TO CONSTRUCT NEW FACILITIES AT SHIPROCK,

NEW MEXICO, AND AT TUBA CITY, ARIZONA, TO ACCOMMODATE AN ADDITIONAL 800 STUDENTS (400 AT EACH SITE). EACH CAMPUS WILL COST ABOUT $14 MILLION BASED ON 1975 COSTS ESTIMATES.

4. FIVE DAY CLASS FACILITIES ARE PROPOSED TO ACCOMMODATE 750 STUDENTS (150 AT EACH SITE) AT A COST OF $2,746,800 EACH. THE FIVE SITES AS YET HAVE NOT BEEN SELECTED, HOWEVER, WE HAVE A FAIR IDEA AS TO WHERE THESE CENTERS WILL BE LOCATED.
5. ADDITIONAL FACILITIES ARE PROPOSED FOR TSAILE, ARIZONA, TO ACCOMMODATE A TOTAL OF 700 RESIDENT STUDENTS AND TO BUILD ANCILLIARY FACILITIES TO HOUSE STAFF AND FACULTY, PROVIDE MAINTENANCE SHOPS, FIRE PROTECTION, WATER, SEWER DISPOSAL AND THE PAVING OF STREETS. THIS COST IS ESTIMATED AT $10.4 MILLION PLUS.

BY MODIFYING THE ORIGINAL LANGUAGE IN THE ACT, WE ALSO SEEK TO AMEND THE ACT BY CHANGING THE LANGUAGE WITH RESPECT TO OPERATION AND MAINTENANCE FUNDS FROM "...THAT DOES NOT EXCEED..." TO "...EQUAL TO..." THIS WILL HELP US TO SUBSTANTIALLY MEET OUR PRESENT AND FUTURE COSTS MORE REALISTICALLY.

ATTACHED TO MY TESTIMONY ARE LETTERS OF SUPPORT FOR S.468 FROM GOVERNOR RAUL CASTRO OF ARIZONA AND GOVERNOR JERRY APODACA OF NEW MEXICO. WE ALSO HAVE A LETTER OF SUPPORT FROM THE CLEARINGHOUSE FOR COMMUNITY BASED FREE STANDING EDUCATIONAL INSTITUTIONS, AN ORGANIZATION REPRESENTING 30 COMMUNITY BASED POSTSECONDARY EDUCATION INSTITUTIONS SERVING THE MAJOR ETHNIC GROUPS IN THE UNITED STATES. WE HAVE ALSO BEEN IN CONSTANT CONTACT WITH SENATOR DOMENICI, THE SPONSOR; AND SENATORS GOLDWATER, DECONCINI, AND SCHMITT, THE CO-SPONSORS OF S.468, WHO HAVE INDICATED THEIR INTEREST AND SUPPORT FOR ENACTMENT.

IN CLOSING, I WISH TO THANK YOU AND THE COMMITTEE FOR YOUR PATIENCE AND UNDERSTANDING. I HOPE YOU WILL CONSIDER OUR REQUESTS FAVORABLY. AT THIS TIME TOO I WISH TO EXTEND AN INVITATION TO EACH OF YOU TO VISIT OUR PRESENT CAMPUS AT TSAILE, ARIZONA, SO THAT YOU CAN LEARN FIRST HAND ABOUT OUR GOALS AND OBJECTIVES, OUR LIFE STYLE, SEE OUR HOMELAND AND MEET OUR PEOPLE.

THANK YOU.

RAUL H. CASTRO
GOVERNOR

OFFICE OF THE GOVERNOR
STATE HOUSE
PHOENIX, ARIZONA 85007

IN REPLY
REFER TO

July 12, 1977

COPY

The Honorable James Abourezk, Chairman
Select Committee on INdian Affairs
Dirksen Senate Office Buildihgg Room 1105
Washington, D. C. 20510

Dear Senator Abourezk:

Education has long been recognized as a key to increased personal growth and opportunity and as a foundation for a strong and democratic society. Locally controlled educational facilities, which can be tailored to meet the needs of a particular community are a vital part of the American tradition.

Navajo Community College was established in 1969 with the aim of accomplishing these several goals. But present legislation has not been sufficient to enable the College to adequately serve the community.

The student population at Navajo Community College has risen, and the curriculum has been greatly expanded. The College will be providing job training for those employed in connection with the federally funded Navajo Indian Irrigation Project, and several proposed coal gasification facilities. The anticipated growth resulting from these projects will require a wide range of highly trained and skilled professional and technical personnel.

Due to inadequate funding, construction at Navajo Community College has not been able to keep pace with the expanding student population and curriculum. Additional facilities of all kinds are urgently needed.

In order for the College to continue to meet the burgeoning postsecondary needs of the Navajo and neighboring geographical community, and upgrade the socio-economic status of the population, increased and guaranteed funding over a several year period is mandatory.

Therefore, I strongly urge you and the members of your committee to support S 468, a bill to amend the Navajo Community College Act, which would accomplish the goals discussed above.

Sincerely,

Raul H. Castro
Governor

RHC/pbh

bcc: Jim Hena
Director of Development
Navajo Community College

STATE OF NEW MEXICO
OFFICE OF THE GOVERNOR
SANTA FE
87503

JERRY APODACA
GOVERNOR

May 31, 1977

The Honorable Henry M. Jackson, Chairman
Committee on Natural Resources
3106 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Jackson:

I understand S. 468, a bill to amend the Navajo Community College Act, is pending before the Senate Committee on Natural Resources I would like to urge your support and that of the committee members for this measure.

The provisions of this legislation will permit the implementation on a reservation-wide basis of much-needed postsecondary educational opportunities. S. 468 offers the Navajo Nation a realistic tool with which to begin to address the socio-economic demands confronting its people, and I respectfully request your serious consideration of this matter.

Sincerely,

JERRY APODACA
Governor

JA:jr

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Clearinghouse for Community Based Free Standing Educational Institutions

1239 G Street, N.W., Washington, D.C. 20005 (202) 638-7934

July 27, 1977

The Honorable James Abourezk, Chairman
Select Committee on Indian Affairs
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Abourezk:

Equality of educational opportunity and access to relevant, quality education, so often denied to large segments of our people, is now becoming a reality with the emergence of community based institutions. These are institutions that have been organized because of identified community needs and structured to serve their community meaningfully and effectively. They remain accountable to their communities through direct community participation in and control of their decision making bodies. We can document their success not only as effective centers of learning, but also as central forces for the development of their communities. Navajo Community College, a founding member of the Clearinghouse, is an example of this assertion.

The most persistent problem of our membership, now nearing thirty institutions, is that of inadequate resources. Despite the growing needs of our member institutions, as they continually reach out to more neglected corners of our society, available resources seem to diminish. Guaranteed funding, which could assist in bringing a measure of stability and allow the institution to concentrate to its most important function, that of education, has eluded them.

Bill S.468 presents a unique opportunity for gurarenteed funding and long term stability for Navajo Community College. Enactment of this bill will not only assist this college, but provide us with an opportunity to demonstrate the value of community based education to the nation. We urge you to support S.468 to amend the Navajo Community College Act.

Sincerely,

C. P. Zachariadis

CPZ:ph

STATEMENT OF SENATOR BARRY GOLDWATER OF ARIZONA

FOR THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

AUGUST 28, 1977

Navajo Community College

Mr. Chairman, we are all very pleased that hearings are being held on the legislation to amend the Navajo Community College Act and though I am unable to testify in person, I did want to submit written testimony in support of S. 468.

This legislation is very much needed and is necessary if the Navajo Community College is to grow and develop comprehensively. In just seven years, NCC attained full accreditation from the North Central Accreditation Association; its enrollment has increased four-fold; and, its graduates number 150, 51 of which have received bachelors degrees, 10 have obtained their masters, and 2 are presently working on their doctorates. I'd say they have come a long way in seven years especially considering inconstant governmental assistance. And, if the institution is to continue to grow and meet the needs of the increasing Indian student population, then additional money must be allocated directly to the College.

The bill which I and my three colleagues are sponsoring would provide $52.5 million (plus or minus by ordinary cost fluctuations) over the next five years to Navajo Community College for construction costs. This money would allow the College to complete its facilities at the main campus at Tsaile and to accommodate the construction needs arising out of

increased student enrollment and faculty. This money would also allow NCC to develop its branch campuses around the Navajo Reservation which are necessary due to the size of the Reservation and inaccessibility of Tsaile for a number of Indian students.

The bill further states that the monies necessary for operation and maintenance of the College be appropriated to the College and that the amounts should be equal to the "average amount of the per capita contribution made by the Federal Government" to like institutions. This language should clarify for the BIA the position of Congress that we did not intend for Navajo Community College to compete with other Navajo educational programs for operational and maintenance monies. The language in the bill also clarifies the funding level so that the Bureau of Indian Affairs will be authorized to allocate adequate funds equal to the average per capita expenditure in other similar institutions. This should bring some stability to the college's budget.

Mr. Chairman, I cannot say enough on behalf of the Navajo Community College. I think its success speaks for itself. It is a unique college, the first one established and administered by an Indian nation and I think we should give Navajo Community College the help it needs to build academic foundations and to properly respond to the higher education needs of Indian students.

TESTIMONY OF MR. THOMAS SHORTBULL,

PRESIDENT OF OGLALA SIOUX COMMUNITY COLLEGE

PINE RIDGE, SOUTH DAKOTA

SUBMITTED TO THE SELECT COMMITTEE ON INDIAN AFFAIRS

HOUSE OF REPRESENTATIVES

JULY 28, 1977

REGARDING ASSISTANCE TO INDIAN CONTROLLED

POST-SECONDARY EDUCATIONAL INSTITUTIONS.

My name is Thomas Shortbull. I am President of the Oglala Sioux Community College on the Pine Ridge Reservation of the Oglala Sioux Tribe. This testimony is submitted in support of S. 1215, introducted by Senator Abourezk, which provides for grants to Indian controlled Post-Secondary Educational Institutions.

American Indian colleges emerged in the 1960's and 1970's in response to the need for community-oriented education and the growing movement toward self-determination. These phenomena were present among the various communities in the United States in general. In the case of Indian communities, these needs and aspirations were particularly pressing; however, they were hampered by the ineffectiveness of general higher education efforts which did not (and perhaps could not) take into account local, reservation or community desires.

Of particular importance to Indian communities was the training and development of Indian teachers who would remain in their communities and teach in their schools.

At Pine Ridge, like many American Indian communities, it was decided that the avenue of post-secondary education most suitable for the needs of the community was the community college. A community college--unlike a four-year liberal arts institution--focuses very strongly on teaching its students the practical academic skills which will enable them to contribute to the welfare and development of the community. In furtherance of that goal the community college maintains close links with local industry, local business, and local government. The community college is by all means a community institution. And, the most immediate beneficiaries of the services of the community college are the memberr of community--both students and other residents.

The American Indian community colleges, such as at Pine Ridge, are even more particularly geared to the specialized needs of the communities. The Oglala Sioux Community College is chartered by the Oglala Sioux Tribe; it is managed by a board, all of whom are Indian; the overwhelming majority of the administration, faculty and students are Indian; and it is designed primarily to serve the needs of American Indians and to promote and preserve the culture of the American Indian Tribes.

To demonstrate what an American Indian Community College can accomplish in a relatively short period of time, I can recount with pride the development of the Oglala Sioux Community College. In June of 1970, in response to local educational needs, the Oglala Sioux Tribal Council created the first workings of what is now the Oglala Sioux Community College. The first teachers were volunteers, conducting classes in borrowed space with no funding. One hundred fifty students earned credits through these classes under an extension course agreement with the University of Colorado and Black Hills State College. In 1974 the College awarded its first degrees, including the capping of four graduates of the Nursing program.

This spring there were 112 full time and 324 part time students taught by a total instructional staff of more than 30 and support staff of 65. The Community College offers Associates of Arts degrees in Applied Science, Business, Education, General Studies, Lakota Studies, Nursing and Social Services.

The Oglala Sioux Community College also offers its students and all members of the community a library, a learning center and many courses.

It is difficult to begin to enumerate the benefits which our Community College has afforded the Pine Ridge community. Our graduates are already working in the fields of education and tribal government--activities which touch each member of our community. We cannot even begin to properly place a measure on the value of the services of one of our graduates, currently serving as a teacher, a tribal leader or a nurse atthe Pine Ridge Hospital.

Like all educational institutions, the American Indian Colleges are faced with the steadily increasing costs of providing quality academic services. We are especially affected in that there is simply no tribal or state money available to us. Nor is there a reliable source of federal money for Indian Community Colleges. The Office of Education in the Bureau of Indian Affairs have suggested that we rely on a number of small categorical education programs and the Snyder Act for financial support. However, the experiences of the established community colleges over the last several years have led us to conclude that these sources are woefully inadequate. Categorical programs cannot be relied upon for general support. Significant financial and human resources are required just in terms of the grantsmanship necessary to apply for aid. Further, the level of categorical money varies from one year to the next. The amount of support that has been available under the Snyder Act is far below the amount necessary to meet the needs of

Indian Community Colleges. The program contemplated by the legislation under consideration would provide the level of support needed and greatly help to ensure the viability and continued development of institutions such as Oglala Sioux Community College.

You are all familiar with difficulties we have had at Pine Ridge. We hope and believe that Oglala Sioux Community College has served as a stabalizing force in the community and that it will be a vehicle for orderly change. The legislation which is under consideration would provide financial support which will help the College and the Tribe continue in these roles.

At this point, I would like to address a few of the specific provisions of the proposed legislation. The proposed legislation authorizes grants for various educational activities including planning and development, operational costs, employment, curriculum development, student services and community service programs. Funds may not be used in connection with religious worship or instruction.

We feel that this enumeration permits institutions to conduct their activities and implement development in directions geared to the particular needs of the community while ensuring that funds will be used to carry out the educational purposes of the legislation.

The proposed legislation sets up certain criteria for eligibility. These criteria require that institutions demonstrate established operations and a commitment to quality education. Only institutions which are truly "Indian" will be eligible for grants. We support these provisions.

There has been some discussion of relaxing the eligibility criteria to permit community colleges which are in the development stages to qualify for financial aid. While we believe developmental money is an important part of this legislation program, we would recommend that the legislation provide two distinct sources of funding--one for established schools, using the criteria incorporated in S. 1215, and one for developing schools.

In summary, I hope I have demonstrated the need for community-oriented Indian higher education. I have tried to show through the example of our College how such education can be successful and how it contributes to the development of our Indian communities. We strongly support the proposed legislation and respectfully urge that it be enacted and implemented as soon as possible.

Senator ABOUREZK. Thank you very much for your appearance here today.

The next witness is Dr. William Demmert, Director of the Office of Indian Education Programs, BIA, accompanied by members of his staff.

Are you ready to begin?

STATEMENT OF WILLIAM DEMMERT, DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS, ACCOMPANIED BY LEROY CLIFFORD, ACTING DIRECTOR OF POSTSECONDARY EDUCATION, AND MAX HERRINGER, PLANNING OFFICER OF THE OFFICE OF INDIAN EDUCATION, BUREAU OF INDIAN AFFAIRS

Dr. DEMMERT. Mr. Chairman, before I start, if it is appropriate, I would like to introduce three college students: one graduate and two undergraduate students. They are working in the Bureau of Indian Affairs right now either as summer interns or on a temporary appointment.

We have Kim Armstrong, a Seneca from New York, attending Syracuse University; Carol Humphreys, Fort Sill Apache from Haskell; and Willard Bill, a Muckleshoot, who is a Ph. D. candidate in social studies from the University of Washington.

Will each of you stand?

Senator ABOUREZK. They already stood.

Dr. DEMMERT. They all stood?

Senator ABOUREZK. We would like to welcome all of you to the committee. We are glad to have you here today.

Dr. DEMMERT. Accompanying me today is Mr. Leroy Clifford, who is the Acting Director of Postsecondary Education under our new organization in the Office of Indian Education Programs; and Mr. Max Herringer, the Acting Planning Officer.

If appropriate, I will summarize the comments rather than read them.

I think it is important to note a change in the traditional testimony previously submitted or presented by the Bureau of Indian Affairs.

Testimony to date has opposed legislation in the area of higher education, and specifically institutional support for Indian-controlled community colleges, suggesting that the Bureau of Indian Affairs has broad authority under the Snyder Act of 1921 to fund this new effort.

Today's testimony does not outwardly oppose the legislation. It asks for a delay in the proposed legislation and asks instead for a delay in proposed legislation and time to allow the new administration an opportunity to analyze the need and review appropriate options before making a definite commitment on what the Federal role—in this case, the Bureau of Indian Affairs—ought to be.

This analysis and decision on that role will be developed in coordination with the Office of Education in the Department of Health, Education, and Welfare and with the Federal Interagency Committee on Education (FICE).

That is very brief but to the point.

Senator ABOUREZK. That is the way we like to have testimony.

You are saying that you do not specifically oppose either piece of legislation, but you are asking for more time to consider it?

Dr. DEMMERT. We are asking for more time to allow for an analysis of the need and decisions on what the Federal role ought to be and decisions on a definite commitment once that role is established.

Senator ABOUREZK. Dr. Demmert, why would the BIA need additional time to determine the Federal role in higher education on the reservations at this late date?

Dr. DEMMERT. I think the primary reason would be that the key people in the Department of the Interior and the Bureau of Indian Affairs either have changed or are changing. There is a general feeling that there is a need to look at what that Federal role ought to be from a different perspective.

Senator ABOUREZK. Every time the administration changes and starts asking delays on legislation I wo 'd submit to you that we probably would never pass anything if that were going to be the case.

We had a bill up last year—you were here at the hearings for that bill—last year you asked for a delay. You said, "We are going to bring back a specific plan." You and your other spokesman were going to bring back a specific plan for higher education. It was your belief at the time that the Snyder Act allowed authorization for these colleges, but you were going to formulate a plan and bring it back to the committee. We never saw that.

Dr. DEMMERT. May I comment on that?

Senator ABOUREZK. Yes.

Dr. DEMMERT. I testified last year—or accompanied Dr. Duane Mattheis from the Office of Education—if I recall the testimony accurately he did not commit the Office of Education to coming back with some specific recommendations. If my memory serves me correctly the Bureau of Indian Affairs opposed the existing legislation.

Senator ABOUREZK. Dr. Demmert, if you will excuse me for just a minute, I have a very urgent call to go to another committee meeting. At this point I am going to leave the staff counsel, Mr. Alan Parker, in charge of these hearings. He has questions that will be asked of you. I will ask him to continue the hearings until I can come back, so everything will be conducted just as though I were here, because we have all of the same questions prepared.

I wan to excuse myself, if you will excuse me at this time.

Dr. DEMMERT. Fine.

Mr. PARKER. Dr. Demmert, are you finished with your response to the Chairman's question on the reason why in the intervening year the administration has not come up with a specific plan?

Dr. DEMMERT. I think I was, but let me briefly recap so that we are both on the same wavelength.

I pointed out that when I attended as a representative of DHEW, the Office of Education, I accompanied Dr. Duane Mattheis, the Executive Deputy Commissioner. At that point Dr. Mattheis would not commit the Office of Education to some recommendations or a plan. I have not reviewed that testimony lately, but if my memory serves me correctly, that was at issue.

The second point is—if my memory serves me correctly—that the Bureau of Indian Affairs did not necessarily ask for a delay. They opposed the legislation specifically. The point that I am attempting to make is that in this instance we are not opposing the legislation.

We are asking for time for the new administration—which in some cases is just aboard and in other cases—we have an Assistant Secretary for Indian Affairs nominated but not appointed. We are in the process of pulling together much of the information that we have gathered over the past year and material from consultations and meetings with national organizations and others.

Mr. PARKER. I am sure tribal witnesses will have some commentary on the intentions and the plans of the administration.

For purposes of this hearing, when would you anticipate that the new people who are now with the administration would be able to formulate a plan for Indian higher education? Do you have any sense at all of a timetable or schedule for this?

Dr. DEMMERT. Yes; I do. It is a personal sense. It is not an official one. In part, I think it depends on how soon our Assistant Secretary for Indian Affairs is appointed.

Our time schedule tells us that we can have much of our material ready in the form of recommendations by the first of the year—in December or January.

Mr. PARKER. In the event that there is not action taken in the immediate future on this legislation and on these two bills, would you have any problem submitting to the committee a preliminary estimate which would outline the scope of the plan and give, again, some sense of a timetable for implementation? How soon do you think a preliminary estimate could be submitted to the committee for its review?

Dr. DEMMERT. In the form of a plan we could submit a chart or a timetable within a week.

Mr. PARKER. Would you submit such a timetable, then?

Dr. DEMMERT. Yes.

[Material follows:]

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

SEP 1 4 1977

SEP 9 1977

Honorable James Abourezk
United States Senate
Washington, D. C. 20510

Dear Senator Abourezk:

Enclosed is the time chart on the Development of Recommendations for Meeting the Post-Secondary Educational Needs of Indian Students as was requested for the Record at the hearing on Bills S. 468 and S. 1215, July 28, 1977.

Sincerely yours,

Raymond V. Butler

Acting Deputy Commissioner
of Indian Affairs

Enclosure

Page 1 of 3

DATE ORIGINATED .....

OBJECTIVE AND OPERATING PLAN

Fiscal Year 1977

Phone	Surname	Date

Bureau of Indian Affairs

Office of Indian Education Programs

Division : Post-Secondary Education

Objective #.....: Development of Recommendations for Meeting the Post-Secondary Educational Needs of Indian Students

Resources Required (000's)
$

Man Years:

Overall Evaluation

Status Report for Month(s) of .....

Milestones	O	N	D	J	F	M	A	M	J	J	A	S	FY 78
1. *American Indian Higher Education Consortium Study (Completed)	▲												
2. *Financial Aid Officers of Tribes and BIA Conference (Completed)	▲												
3. *Western Interstate Commission on Higher Education Meetings (Completed)	▲												
4. *Federal Inter-agency Committee on Education Convocation (Completed)						▲							
5. Review and Analysis of Above Studies and/or Conference Reports												▲	
(a) Student Support			▲										
(b) BIA Post-Secondary			▲										
(c) Indian-Controlled Community Colleges												▲	

DATE ORIGINATED .....

OBJECTIVE AND OPERATING PLAN

Fiscal Year 1977

Phone	Surname	Date

Bureau of Indian Affairs

Office of Indian Education Programs

Division : Post-Secondary Education

Objective #.....: Development of Recommendations for Meeting the Post-Secondary Educational Needs of Indian Students

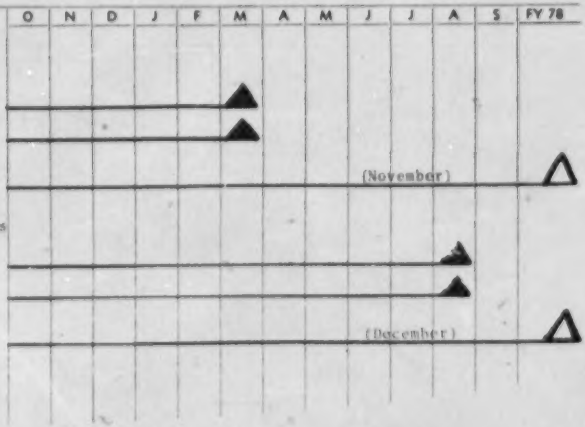
Resources Required (000's)
$

Man Years:

Overall Evaluation

Status Report for Month(s) of .....

Milestones



DATE ORIGINATED

OBJECTIVE AND OPERATING PLAN

Fiscal Year 1977

Phone	Surname	Date

Bureau of Indian Affairs

Office of Indian Education Programs

Division : Post-Secondary Education

Objective # : Development of Recommendations for Meeting the Post-Secondary Educational Needs of Indian Students

Resources Required (000's)
$

Man Years:

Overall Evaluation

Status Report for Month(s) of

Milestones	O	N	D	J	F	M	A	M	J	J	A	S	FY 78
8. Publication of Final Rules and Regulations													
(a) Student Support												Δ	
(b) BIA Post-Secondary												Δ	
(c) Indian-Controlled Community Colleges									(March)				Δ

1* The American Indian Higher Education Consortium served as contracted to carry out the study mandated by Sec. 203(4) of P.L. 93-638 of the programmatic and legislative needs of Indian-controlled community colleges. Completed and submitted to Congress on October 1, 1976.

2* Bureau of Indian Affairs' financial aids officers and tribal contractors met in Denver in July 1976 to discuss revisions of the higher education program administration as directed by Office of Management and Budget.

3* The Federal Interagency Committee on Education sponsored an Indian Education Convocation in Washington, D.C., in March 1977 to discuss and make recommendations on major issues in Indian education.

4* The Bureau of Indian Affairs funded the Western Interstate Commission on Higher Education to hold a conference on November 30 - December 1, 1976, in Denver, Colorado, to develop recommendations on Indian higher education policy.

Mr. PARKER. In your written statement, which you submitted to the committee, you referred in a general sense to HEW providing support for developing institutions. To your knowledge, has HEW provided assistance to the Navajo Community College and to any other Indian community college of the type that is requested in S. 1215 and S. 468?

Dr. DEMMERT. My memory says yes. To be more specific, let me defer to Mr. Leroy Clifford, who has worked directly with some of the community colleges. He might have some more intimate knowledge of that.

Mr. CLIFFORD. As was pointed out in the last go-round of hearings we are providing financial assistance to Navajo Community College——

Mr. PARKER. I am asking about information regarding HEW assistance of the type referred to in this legislation.

Mr. CLIFFORD. There are, at the present time, a certain number of Indian-controlled community colleges that are receiving assistance under title III. I am not sure of the exact number, but I do know that some of the community colleges are receiving assistance from the Bureau, and others are receiving support under title III.

I am not sure of the number and the amount, but I do know that some are receiving that assistance.

Mr. PARKER. That is the kind of assistance that is requested in this legislation?

Mr. CLIFFORD. My understanding is that it provides assistance for planning and for strengthening developing institutions.

I might point out that S. 1215 specifically states that any moneys appropriated under the act are not to supplant any funds that come out of higher education out of OE. That addresses the issue of overlap.

Mr. PARKER. Thank you.

Dr. Demmert, you say also in your prepared statement, that was submitted to the committee, that HEW is conducting a review of its developing institutions program. Do you know when this review was initiated and when it may be completed?

Dr. DEMMERT. I am not sure when it was initiated. My understanding is that they are attempting to complete it in time for some fiscal year 1979 budget decisions.

Mr. PARKER. Which would make it next spring?

Dr. DEMMERT. It would be before January, isn't that right? For 1979? The President's budget will be in some time in January or February.

Mr. PARKER. I know you are not with HEW right now, but since you were formerly there and since there must be some communication between your office and HEW: Do you know whether this review has any systematic manner of receiving Indian input?

Dr. DEMMERT. I would have to say that it probably does and it will. I say that because as a previous Deputy Commissioner in the Office of Indian Education in USOE and as Deputy Commissioner—the post which Dr. Gerald Gipp now holds—he has a responsibility to advise not only the Commissioner on Indian education, but on education in general. He will continue to have that opportunity, I am sure.

I have also talked informally to members of the Federal Interagency Commission on Education (FICE), as well as to representatives from

the Office of Education responsible for looking at Indian education specifically and coordinating that with the overall Office of Education plans. He has asked me to keep some time free this fall to sit down specifically to look at and discuss what they are going to consider.

Mr. PARKER. That goes to another question—in your testimony you state that the Bureau of Indian Affairs will be consulting with HEW regarding the developing institution program. In other words, at this point in time there has not been formal consultation between your office and your counterpart in HEW on this program?

Dr. DEMMERT. That is correct.

Mr. PARKER. But there will be in the immediate future, is that the plan?

Dr. DEMMERT. We have informally discussed not only that need, but agreed to do that. We have not developed a formal letter of agreement or anything along those lines, and we probably will not. However, Mr. Clifford has talked to the Deputy over there and I have talked to one of the planning officers who works directly for the Commissioner.

Mr. PARKER. Just to clarify it: Is the Education Office of BIA independently conducting its review?

Dr. DEMMERT. I have also instructed Mr. Clifford to do that. I think I instructed him not only when he first came aboard, but his predecessors were in the process of gathering information that would allow the answer to it.

Mr. PARKER. In your personal opinion do you feel that the Indian community colleges have achieved some of the objectives that they have set out for themselves?

Dr. DEMMERT. Personally, I think they have done a tremendous amount over the past few years with a substantial amount of opposition and very minimal or limited resources. To me that shows a definite commitment, as well as need, at the community level for those kinds of activities.

Mr. PARKER. Would you say, either personally or speaking officially in your position, that you support the concept of Indian community colleges?

Dr. DEMMERT. Let me move to some safe gound and address that personally. Yes, I support the concept. Officially, it seems to me, the concept has been supported. We do support Navajo Community College and we do support, either fully or partially, a couple of other community colleges through the existing band analysis or specific legislation, depending on which you are talking about.

Mr. PARKER. Is there not something of a counterphilosophy in the administration which would support scholarships for Indians as an alternative to providing direct operational support to the institutions?

Dr. DEMMERT. I think that in the past that might have been true. One of the reasons for the request to delay this legislation centers on the fact that it is an issue, and that a decision has not been reached or a commitment has not been made as to which is most appropriate, or which combination of the two might be appropriate.

Mr. PARKER. At this point in time is it not administration policy to support direct aid to the students in lieu of, or rather than, direct aid to the institution?

Dr. DEMMERT. Not to my knowledge.

Mr. PARKER. Thank you.

I think we are finished with our questioning. Thank you for your testimony today. I might add that we will submit your written testimony for the record.

Dr. DEMMERT. Thank you.

[The prepared statement of William G. Demmert follows:]

STATEMENT OF WILLIAM G. DELMERT, DIRECTOR OF INDIAN EDUCATION PROGRAMS, BUREAU OF INDIAN AFFAIRS, BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS, ON S. 1215 AND S. 468, BILLS TO PROVIDE ASSISTANCE TO INDIAN POSTSECONDARY INSTITUTIONS, THURSDAY, JULY 28, 1977.

Thank you Mr. Chairman. I appreciate the opportunity to appear before your Committee to present our views on S. 1215 and S. 468, bills to assist Indian-controlled Postsecondary educational institutions and to amend the Navajo Community College Act.

We recommend that the Committee defer consideration of these bills pending completion of reviews to determine the most effective means for assisting these Indian-controlled postsecondary institutions.

Indian-controlled postsecondary institutions are a relatively recent development in Indian country, which grew out of a need for community colleges at both individual and community levels. Beginning in 1968 with the establishment of Navajo Community College, at least 20 additional tribes have chartered postsecondary institutions for their members. All are located within areas of high Indian population.

The high dropout rate of Indian college students indicates that there are problems with all levels of education currently available to Indian people. While approximately 46.9 percent of all students leave college before obtaining a four-year degree, the dropout rate among Indian students is approximately 77 percent in the first four years. Source: (Dr. Vance Grant, National Center for Education Statistics USOE, HEW. Indian percentage from study by Northwest and Southwest Education Laboratories, 1962 - 1968).

Current authority for the Bureau of Indian Affairs to assist Indian community colleges comes from the broad general authority of the Snyder Act of 1921. Under this authority, Lakota Higher Education Center and Sinte Gleska

Community College, both in South Dakota, each have received $225,000 from BIA. Further, the Lummi School of Aquaculture and the Tanana Chiefs Conference's Land Claims College, also received BIA funding through the Snyder Act. Also, Indian students receive over $27 million of direct financial assistance through the BIA scholarship program.

Navajo Community College is primarily funded through the BIA under the authority of the Navajo Community College Act of December 15, 1971. In this instance, specific authorizing legislation was deemed necessary. Under the BIA's fiscal year 1978 budget, some $5 million will be provided to Navajo Community College for operations and maintenance.

We would point out that the Department of Health, Education and Welfare administers a variety of assistance programs, both to Indian students and to Indian colleges, such as financial aid for students and support for developing institutions. We note that Indian students can participate in any or all of these programs.

We do recognize a need to provide special assistance to institutions with unusual problems such as those predominately serving individuals from particular backgrounds. HEW is in the process of reviewing the developing institutions program to determine how best it can meet this need. We will be closely consulting with HEW, as well as undertaking a review within BIA, in order to determine the most effective means to provide help for Indian-controlled postsecondary institutions. Therefore we recommend that the Committee defer consideration on both S. 468 and S. 1215 until these reviews are completed and recommendations developed.

We believe that any assistance to Indian colleges must insure for their

responsiveness to Indian students and their communities, while maintaining education standards and quality. Additionally, we wish to explore the best means to assure accountability of these institutions to their tribal government sponsors.

I would be pleased at this time to answer any questions you may have.

Mr. PARKER. The chairman has asked me to continue with the hearing.

The next panel scheduled to testify will be Mr. Calvin Isaac, chairman of the Mississippi Band of Choctaw Indians, representing the National Tribal Chairmen's Association; Mr. Charles Trimble, executive director of the National Congress of American Indians; and Ms. Patricia Locke, president of the National Indian Education Association.

Will you please come to the witness table. I think our chairman will be back shortly, so if you would not mind proceeding with your testimony, when he returns I will bring him up to date on where we are, and he can direct any questions to you and conduct the hearing himself.

Do you have any preference in terms of who would lead off the testimony?

Mr. ISAAC. No preference, but I will start.

Mr. PARKER. All right.

STATEMENT OF CALVIN ISAAC, CHAIRMAN, MISSISSIPPI BAND OF CHOCTAW INDIANS, REPRESENTING THE NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Mr. ISAAC. Mr. Chairman, I am Calvin Isaac, the tribal chief of the Mississippi Band of Choctaw Indians and a member of the Education Committee of the National Tribal Chairmen's Association.

I am here today on behalf of NTCA to testify to the urgency of legislation providing Federal funding for tribally controlled Indian postsecondary educational institutions and in support of S. 1215, with certain modifications I will discuss shortly.

Let me first thank you and the committee for inviting NTCA to be here today to share our views on a topic of utmost importance to the Indian tribal future.

Education for any people, or for any individual for that matter, is the very substance of the future. It is no different for the Indian. The future of Indian people as a thriving tribal society living with their traditions, enjoying and developing their own culture in an American and Federal context, is simply unthinkable unless we are allowed to educate our children in a manner befitting the realization of the Indian purpose.

To Indian people has fallen the challenge of preparing their youth to meet the technical complexities of this age with a unique sense of collective responsibility and tribal purpose. The task is hopeless without a concerted effort to develop adequate postsecondary education to train the professional people the tribes need to function and to insure the higher levels of personal well-being needed to make Indian economies viable and self-sustaining.

S. 1215, the bill you have introduced to provide grants to Indian postsecondary educational institutions is vitally needed.

Today 21 tribes have chartered colleges primarily for the benefit of their members. Eight more tribes, including my own, are planning the development of college programs. Another three nonchartered colleges are presently operating to serve Indian or Alaska Native constituencies. Only three of these institutions receive BIA funding support.

The tribally chartered colleges represent a recent effort to break the distressing statistical pattern of low Indian attainment of higher education. Recently the National Indian Education Association estimated a potential national postsecondary student population of over 77,000 but observed in contrast, that only 16,000 Indian students were enrolled in 1976.

Only 3.5 percent of all adult Indian males aged 16 or older have completed college. The figure is only 1.5 percent for rural or reservation males and only 1 2 percent for females. We have seen a shocking estimate that over 75 percent of Indian students drop out of college before obtaining a 4-year degree which is at least 28 to 30 percent higher than the national average.

The problem must be solved. Higher education must be made more accessible to Indian students, many of whom are mature adults with families. It must be brought to the reservation.

A requirement of relocation for purposes of education is simply unrealistic for great numbers of potential Indian students who possess strong economic and cultural ties to the reservation, who do not have adequate transportation, or who have family responsibilities.

Higher education can and should be designed to meet the desires and expectations of all tribal people living on the reservations including students of traditional college age; it can and should be designed to meet the requirements of a self-determined tribal future. That, in short form, is the case for Federal support for tribal colleges and swift passage of S. 1215.

I must say at this point, however, that we do not agree with all of the particulars in the bill. Let us look closely at the meaning of self-determination and the impact that this bill could have on that concept.

The NTCA, as you are aware, is an association of the elected or tribally appointed leaders of some 192 federally recognized tribes. We serve in a very real sense as a national spokesman for Indian tribal governments. In those governments rests the collective will and the political consent of the Indian people.

Those governments are entrusted by their constituencies to establish tribal directions, to determine tribal priorities, to manage tribal resources. They are entrusted with the burden and challenge of tribal continuity. Tribal governments are the means by which Indians, as peoples possessing distinct national and cultural characters, determine for themselves their collective future.

Moreover, we must not forget that the special relationship between the Indian tribes and the United States, so firmly founded in this country's history and law, is a political relationship existing between the Federal Government and tribal governments. This relationship does not derive its force in the slightest from the general obligations of government to its citizens.

Congress declared its respect for the right of Indian self-determination and its intent to adhere to a policy of developing this most fundamental of Indian rights with its passage of Public Law 93-638, less than 2 years ago.

With the Self-Determination Act, Congress committed itself to maintenance of the continuing relationship with Indian tribes and to an orderly transition from Federal domination of programs for Indians to "effective and meaningful participation in the planning, conduct, and administration of those programs and services."

Congress did not say that education was to be excluded from the concept or implementation of self-determination. In fact, the opposite is true. Education is expressly incorporated as an intrinsic part of self-determination.

It is, therefore, entirely inconsistent with congressional policy to exclude from the area of tribal control and decisionmaking authority education programs aimed at the needs of Indian tribal members. S. 1215 would authorize the Secretary of the Interior to make grants directly to "Indian-controlled postsecondary educational institutions," thereby circumventing or bypassing the tribal councils which, in most cases, have chartered the schools and which rightfully have the greatest responsibility for their direction and operation. We support funding of tribal colleges and postsecondary schools through the tribal government.

It is neither logical, just, nor wise to segregate control of higher education from the jurisdiction of tribal government. To do so would be to tell Indian people that their systems of self-government and their leaders are inadequate and will not be permitted to make basic decisions concerning tribal educational programs and goals. To do so would be to strike from Indian hands a significant measure of their ability to secure their own future. This is not right. Tribal governments are substantially disabled where their authority is purposely bypassed, thus going unused, and their sense of duty is ignored.

We are aware of some congressional concerns that educational funding through tribal governments will only add another cost-generating layer of bureaucracy. This is not the case, in our view.

More and more tribes are creating their own governmental departments, commissions, and divisions of education which serve as the recipients of funds and which direct and participate in the management of all tribal education programs. There is no necessary additional layer of authority. Certain tribes having colleges might elect to have their institutions funded directly. This is, of course, perfectly acceptable. We simply want a mechanism that is flexible and preserves tribal authority.

In conformity with what I have just said, we recommend that S. 1215 be amended to provide for grants to tribes for the planning and operation of tribally controlled institutions.

Equitable services to all tribes is a basic tenet of NTCA philosophy. We do not believe the benefits of this legislation should be limited to certain tribes or schools. All tribes should receive an equitable share.

Mr. PARKER. Could I interrupt you at this point, Mr. Isaac?

Mr. ISAAC. Yes, sir.

Mr. PARKER. First of all, would you be willing to submit to the committee the proposed language which would amend the bill to encompass the point which you are making?

Mr. ISAAC. Yes sir; we would be willing to do that.

Mr. PARKER. Secondly, if Federal funds were to be channeled directly to a tribal education department as an alternative to channeling money to an institution, would you think that that was acceptable in terms of the issue of tribal control?

Mr. ISAAC. To a certain extent.

Mr. PARKER. For example, if an education department was established which would in reality function as an executive section of the tribal——

Mr. ISAAC. Yes, sir. I would agree to that. That would be acceptable.

Mr. PARKER. Thank you.

Mr. ISAAC. This bill should be passed as a distinct act rather than an amendment to the Self-Determination Act. The feeling runs deep in Indian country that Public Law 93–638 is truly a tribal act and it should not be amended without the same wide consultation involved in its original development.

If passed as a separate bill, S. 1215 should be further amended to include the definitions of "Indian" and "Indian tribe" found in the Self-Determination Act. We understand, however, that Alaska Natives have become dissatisfied with the definition applicable to them and are working on alternate language. We urge the committee to hear and respond to this problem.

We recommend the following modifications of the eligibility criteria of section 304(a). With respect to criterion (1) the test should require that the institution be formally chartered or approved by the governing body of an Indian tribe. The 6 months of operation requirement should be stricken as an unduly restrictive impediment to development of needed schools.

The third criteria should be amended to require that the institution be one governed by a board of directors or board of trustees designated by the tribe in accord with tribal law.

The provision in section 305(c) requiring consultation with Indian higher education organizations should be deleted. Tribal planning decisions should not be subordinated to nontribal organizations.

Section 304(b) should be stricken for the same reason. Grants for technical assistance must go directly to the tribes which may then employ the individuals or organizations best qualified to render the necessary assistance. The Secretary should be expressly required to consult with tribes and Indian organizations in the development of departmental rules and regulations for implementation of the bill.

With regard to the authorization levels contained in the bill, we suggest, for the sake of stability in Indian education, a continuing authorization to be appropriated in amounts responsive to the recommendations of a secretarial study. This study would be performed during the first program year to assess the needs of tribally controlled colleges. Likewise the bill should include an authorization for construction funds to implement the recommendations of the study performed under section 308.

As written, the bill provides no authorization for funding planning activities in relation to new colleges. We believe this is a necessity and recommend an authorization to provide $65,000 per institution on a one-time basis for planning. This would be limited to funding the planning of 10 institutions in the first year and 6 in each following year.

We suggest that further technical or conforming amendments to the bill may be necessary and thus request that we be able to participate in the markup of S. 1215.

Thank you for the opportunity of presenting our views.

Mr. PARKER. Thank you for your testimony, Mr. Isaac. Again, with regard to some of your suggestions, to the extent that your testimony does not express the suggested language: Would you be willing to submit to the committee a followup statement which would suggest amendatory language consistent with the points you made?

Mr. ISAAC. Yes; I would be glad to.

Mr. PARKER. The next witness will be Miss Pat Locke, president of the National Indian Education Association.

Miss Locke, welcome to the committee on behalf of the chairman.

STATEMENT OF PATRICIA LOCKE, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

Ms. LOCKE. Thank you, Mr. Parker.

Last year in March I testified about the general need for this bill. The reasons why this bill must be moved forward with all due speed were mentioned at that time.

I will reiterate some of those points. One of the main points I want to make is that our rural Indian population is grossly undereducated. About 1.5 percent of American Indian males—rural Indian males—have achieved 4 or more years of college. That means that 98.5 percent have not.

Only 1.2 percent of Indian females—rural Indian females—have achieved 4 or more years of college. That is incredible. It is something that this bill will help to alleviate.

I think it is a very exciting kind of a movement in Indian country—this push forward to initiate Indian colleges in order to prepare people to manage their own tribal affairs. It is happening all over the country—in Mississippi, Alaska, Arizona, Utah, and all over.

I must say that I will have to disagree with the position of the Government—the Bureau of Indian Affairs—that we need more study. I understand that the American Indian Higher Education Consortium completed a study and made recommendations. There was a meeting last fall where some 67 educators got together and recommended that this bill get through.

The National Indian Education Association has recommended that the Indian college bill be moved forward, as has the National Congress of American Indians.

We are all anxious and waiting for this bill to move forward. One of the reasons is that the Bureau of Indian Affairs does not adequately support the Indian colleges, nor does it help with planning money.

As I understand it, the Navajo Community College, Sinte Gleska, and Lakota get insufficient amounts of money. I know that the Lummi School of Agriculture—and I refer to that in the testimony—has been without funding since May. They do not have adequate money to continue. People are working on a volunteer basis out there.

Mr. PARKER. Why would you think that the Bureau's support as it now exists seems to be so arbitrary or so unsystematic? Do you have any comment on why they would have selected several colleges to which they are channeling support? Even with regard to those colleges the support does not seem to bear any relationship to need, and so on.

Ms. LOCKE. There are 21 Indian colleges. There are eight tribes that are in the process of developing their colleges.

I think that the Bureau of Indian Affairs is behind in its budgeting and in its planning and conceptualization, and in the direction of postsecondary education. Sometimes I fear that their focus is almost completely on vocational education. They are just not up to date, I am afraid.

I cannot understand why they have not helped to the degree that they should be helping under their mandate to provide us educational

services. I was pleased to hear that it would only take a week for him to get a timetable together. That is good news.

Regarding the philosophy—aside from the need—I know that the National Indian Education Association is in support of the tribes receiving the money for the operation, for planning, and for technical assistance. We have a resolution to that effect on page 2.

One of the reasons that we have moved in this direction is that we think that tribal governments need support in these days of backlash and attacks from various sides. Therefore, we are in support of the tribes. I think only about 11 or 12 tribes throughout the United States have developed tribal divisions of education or commissions or boards of education.

If the tribe decides that it wishes to give this designated authority, by enabling legislation that has been dedicated to promoting education, that is the decision of the tribe.

We have NIEA and NCAI and NTCA. They have met several times. We are in general agreement about the language of the bill, except for some few phrases. NIEA would appreciate the chance to participate in a markup also.

I just want to say a couple of other things regarding the fact that BIA moneys are insufficient for planning, operation, facilities, TA, and so forth. However, title III, "the Developing Institutions," does not provide sufficient moneys. Moneys go primarily in the bilateral agreements to non-Indian institutions, and then the tribes get really just a pittance of that total grant.

Title IV of the Indian Education Act gives insufficient money to postsecondary education—Indian colleges. Part (c) of title IV is the smallest amount within the act. Title IV(d), gives an infinitessimal amount of money, as does the Ethnic Heritage Act. So there just is not enough money. I really do not think that HEW is planning to help the colleges. I know of no planning group that is definitely working on this problem.

Mr. PARKER. Reviewing what you have just commented on regarding the funding programs through the HEW Office of Education, the point you seem to be making is that the Indian higher education institutions which have participated in—right now or in the past—these funding programs compete with institutions on a national level.

Ms. LOCKE. That is correct.

Mr. PARKER. That probably is a very significant reason why the support that is furnished to your programs has not been meaningful at all.

Ms. LOCKE. Title III's language is limiting. There is no money for planning. There could be a few dollars, I suppose, spent. For instance, Miles Community College received a grant from title III last year and gave some kinds of assistance to the planning of Fort Peck and Northern Cheyenne tribal postsecondary programs. However, it was insignificant.

I was there just last week talking to the tribes in Montana, and they are planning a consortium. However, they are really having to do it on their own—out of their own pocket.

I want to ask you to please turn your attention to pages 5 and 6. These are quotes and conversations with chairmen that are either planning—their councils or tribes—or operating Indian colleges. In regard to the point of money going directly to the tribes, it is substantiated by every one of the chairmen. This is a sample. I did not

call everyone. However, our staff did that work. I just want you to be aware of that—that it is consistently supportive of the concept of tribal self-determination.

Mr. PARKER. Just to go back again to the HEW program: I would think it would be a question which would occur to people who are perhaps not as familiar with the whole background of the kind of support that HEW has furnished to question why this bill would not be directed at authorizing an increased level of support to HEW as an alternative to having these moneys being administered by the Bureau of Indian Affairs' Education Division.

Would you have anything further to say on the pros and cons of having money for Indian community colleges that are going through BIA instead of OE?

Ms. LOCKE. We would support money going through the Bureau of Indian Affairs primarily because these are tribal. I think the Office of Education is a little bit confused about who an Indian is. The GAO report, I understand, says that Indians of one-two hundred and thirty-second degree are being served. That would obviously not be the same as the tribe concept.

I think that we would just get lost in the shuffle at HEW. We seem to have gotten lost in the shuffle looking at the proportionate amount of moneys Indians get as a group in comparison with other groups.

The record has not been good for title III, title IV(d), title IV, FIPCE, and the Ethnic Heritage Act. It has not been good.

Mr. PARKER. Is there any information that you could provide to the committee to supplement the testimony that you have already given us—and this goes for any other members of the panel—by way of documenting the insufficient nature of funding which has been channeled through HEW?

Ms. LOCKE. I know that Georgianna Tiger of the National Congress of American Indians has compiled information about the percentages of moneys given to Indians from the programs I mentioned. Perhaps Mr. Trimble can provide that information.

Mr. PARKER. The other issue regarding funding administered by HEW obviously goes to questions such as eligibility criteria and the mechanisms through which Indian tribes and their education sections can use these moneys.

In other words, if there are restrictive provisions or regulations any further information you could give us would be very helpful.

Ms. LOCKE. Perhaps I can suggest that your group could get information from title IV—the Office of Indian Education. I know they did a study last year of 20 different definitions of who is an Indian. Perhaps you can request that. I cannot get my hands on it.

Mr. PARKER. Thank you. We will follow up on that after the hearing. Is that all of your testimony?

Ms. LOCKE. I would like to say a word about proliferation. I know that that is a problem. I have addressed that particular problem and the one of the Alaska change in definition. It is included on the last three pages of my testimony.

Mr. PARKER. Incidentally, I would like to say that your full prepared statement will be made a part of the record.

[The prepared statement of Ms. Patricia Locke follows:]

TESTIMONY OF THE

NATIONAL INDIAN EDUCATION ASSOCIATION
to the
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

REGARDING S.1215

Submitted by:

Patricia Locke, President
National Indian Education
Association

July 28, 1977

In behalf of the National Indian Education Association, I appreciate the opportunity to offer testimony in support of S.1215, the bill to provide support for the development, operation and improvement of tribal controlled postsecondary institutions. On March 15, 1976, I provided testimony relating to the general need for Indian colleges and described specific tribal college initiatives.

Now, 17 months later, I would like to provide updated information regarding the bill and wish to reiterate the need for passage of a revised and improved S.1215 that would provide postsecondary educational services to the tribes in an equitable manner and that would promote the concepts of tribal sovereignty and self-determination.

I will address the following points:

1. Policy and role of NIEA.
2. Specific recommendations regarding S.1215.
3. List of tribes planning and operating tribally chartered colleges.
4. Recent developments in tribal postsecondary education.
5. Description of planning and development activities.
6. Other recommendations (proliferation and Title III).

1. Policy and Role of NIEA:

The National Indian Education Association (NIEA) has been a strong advocate for tribal control of, and community involvement in, education for Indian people. Because of increasingly hostile attacks on tribal governments, NIEA has become more outspoken in supporting the concept that tribal control of education is an inherent attribute of tribal sovereignty. Our Board of Directors, who are elected from a national constituency, discussed ways to combat intrusions on education and other decision-making prerogatives of the tribes at a full board meeting in Washington, D.C. on June 2, 1977. By resolution, our organizational policy is as follows:

"The National Indian Education Association adopts the position that all legislation that is submitted to the Congress affecting education should have language to the effect that monies be under the direct control of tribal governments."

NIEA has, in the past five months, worked closely on education issues with the National Congress of American Indians and the National Tribal Chairmen's Association. These three organizations are national in scope of advocacy, their Boards of Directors are elected by national constituencies and their annual conventions provide a national forum for Indian tribal entities and members. NIEA might be seen as a provider of educational technical assistance to NTCA and NCAI whose members are primarily the federally recognized tribes in the United States. The three organizations worked together to develop a joint statement regarding the Task Force Five Report of the American Indian Policy Review Commission. Representatives of the three organizations met on June 24 and 25, 1977 to develop amendments to the Indian Education Act. And recently the NCAI, the NTCA, and NIEA met to develop concepts that should be included in the language of S.1215.

The National Indian Education Association is bound by its constitution and by-laws to support the early childhood, elementary, secondary and postsecondary education of Indian people throughout the nation. Our philosophy is clear regarding equity. We cannot condone preferential treatment toward one or more tribes to the detriment of educational services for other tribes. Size or aggressiveness of a tribe or tribes is not a rational factor in our concern for quality education for all Indian tribal people.

2. Specific NIEA Policy Recommendations Regarding S.1215:

S.1215 should not be a new title to or an amendment to the Indian Self-Determination and Education Assistance Act. There is a strong feeling among the tribes that PL 93-638 is their bill and was developed over several years with wide tribal consultation. In order to amend 93-638, we

would again have to seek wide tribal consultation. There is not enough time to do this. Therefore, we recommend that S.1215, as introduced by Senator Abourezsk, be modified in certain specifics and moved forward during this session.

NIEA believes that language in the bill should specify that grants to support tribally chartered colleges should go directly to the tribes and then, by whatever mechanism the tribe chooses, to it's college. We would not support language where grants would circumvent the tribal authority. We feel that the spirit and intent of PL 93-638 strongly supports the philosophy of tribal authority over Indian or other organizations. In summary, grants for planning, technical assistance and operation should go to tribes and then to their designated authority.

In describing these colleges, we believe that language should specify tribally chartered colleges instead of Indian controlled colleges. The phrase "Indian controlled" is too vague. We are concerned that non-tribal entities may spring up and wish to be included as grantees under this legislation.

There has been some effort to make S.1215 a limited bill that would fund only a few existing colleges. We strongly assert that S.1215 must not in any way discriminate or exclude any federally recognized tribe that has aspirations toward quality postsecondary education programs. Tribes are trying to gear up right now to find ways of educating their tribal members as business administrators, teachers, nurses and other managers. They cannot wait several years to do this. For instance, there are several tribes such as the Crow, the Red Lake Chippewa, the Colorado River Tribes, the Fort Belknap Tribe, the Mississippi Band of Choctaw, the

Rocky Boy, the Makah, the White Mountain Apache, and several Northwest tribes who are planning to develop tribally chartered colleges in the near future. They must not be excluded from benefits of an Indian college bill. Thus, language must be included that would allow tribes to both plan, develop and operate tribally chartered colleges. No tribe must be excluded from grants to plan, develop and operate its college program. It is apparent to us that federal legislation affecting tribal housing, health, education and other needs has been comprehensive to include federally recognized tribes across the nation. We believe this to be inherently right and equitable. We cannot support legislation benefitting only a few tribes.

Section 304a, the term "Alaska Native Community" is specified. This language should be changed to the term "Alaska Native Regional Tribes" as adopted by representatives of the Alaska Native Regional Associations: Cliff Black, The North Pacific Rim; Pat Pletnikoff, Aleutian/Pribilof Islands Association; Max Pancher, Copper River Native Association; Dennis Tiepelman, Mauneluk Association; Jean Marie Larson, Cook Inlet Native Association; Al Ketzler, Tanana Chiefs Conference; Ray Paddock, Tlinget and Haida Central Council; Frank Peterson, Kodiak Area Native Association; Charlie Johnson, Kawerak, Inc.; and Charlie Edwardson, Arctic Slope Regional Corporation. Attached to this testimony is a letter and descriptive language pertaining to the definition of Indian tribes in Alaska.

Section 305c, of S.1215 states that "in making grants pursuant to this title, the Secretary shall consult with American Indian higher education organizations". This language should be struck from the Bill. No education or

other organization should be given authority over which tribe should or should not receive tribally chartered college monies. No entity that is legally subordinate to Indian nations should have fiscal or other decision making power over the Indian nations.

Language in Section 309 should not specify a three-year time limitation for appropriations.

Regarding technical assistance for planning, development and operational support of tribally chartered colleges, grants must go to the individual tribes who will decide from whom they wish to receive technical assistance. Tribes may make financial arrangements with such entities to secure appropriate technical assistance that is needed by the tribally chartered colleges. Choice of appropriate technical assistance is in keeping with the policy of tribal self-determination.

The issue of federal grant money to the tribes for the planning and operation of, as well as technical assistance to tribally chartered colleges requires further explanation. The tribal government leaders that were elected by their reservation people and who are now planning or operating tribally chartered colleges have spoken out clearly and definitively regarding S.1215.

Earl Old Person, Chairman of the Blackfeet Tribe, says, "I think it's about time self determination was a reality. As a tribe, we have the expertise now to handle our Blackfeet College ourselves - after the organizations get through, there is not enough money left over to do anything with."

Ellis Knows Gun, Crow Tribal Councilman, stated, "Of course education money must go to the tribe. We are a sovereign nation determined to administer and operate all Crow programs."

Ronnie Lupe, Chairman of the White Mountain Apache, says, "At this time, I would say that monies must go through the tribes in order to be at all efficient. We are planning to administer our tribal college through our government."

Pat McLaughlin, Chairman of the Standing Rock Sioux, stated, "We would favor the tribes receiving federal monies for education; we are structured for it."

The Chairman of the Sisseton-Wahepeton, Gerald Flute, states, "We support funding through the tribes. There is no other alternative. We are at the same time behind our college 100%."

Sam Cagey, who is Chairman of the Lummi Tribe of Washington and who is a dedicated supporter of the Lummi School of Aquaculture, says, "Our tribe supports language in the legislation that earmarks funding through the tribes. In the Northwest, we are firm about tribal sovereignty and the legal relationship with the federal government. There is no way that we will stand for any compromise."

Calvin Issac, Chairman of the Mississippi Choctaw Tribal Council, states, "I am in complete agreement with the monies going to the tribe."

Rick Baker, Chairman of the Lac Courte Oreilles Governing Board, says: "Tribal sovereignty means that there is tribal control of all programs within the exterior boundaries of the reservation. Anything short of this erodes the sovereignty of the Indian Nations. Education is important to us at Lac Courte Oreilles. It has a very high priority because we need educated and trained people. This Bill S.1215 must give full control of education monies to the tribes."

Roger Jourdain, Chairman of the Red Lake Chippewa, says: "S.1215, with its present language, that is another deterrant to tribal control of their educational process, must be changed. Language should specify direct monies to the tribes for planning, operation and technical help that would benefit our colleges. Tribal control over all education programs must be ensured. We would strongly oppose passage of any bill which would erode the principles of self-determination."

It is important to heed the words of these tribal leaders who are strong supporters of tribal governments and who are confident of tribal abilities to control and manage education and other programs. All of the tribal leaders quoted here are from tribes that are either planning or operating tribally-chartered colleges. Education is a priority with these tribes.

3. List of Tribes Planning or Operating Tribally Chartered Colleges; And a List of Consortia.

It is becoming more and more apparent that dozens of tribes from all over the country have a hunger for education beyond the high school that is now beginning to be satisfied as tribes realize that postsecondary education can be brought to the reservations and that it can be designed to be appropriate to their economic and cultural needs.

The following 21 tribes have, through enabling legislation, chartered colleges for the primary benefit of their tribal members:

1. Blackfeet Tribe of Montana
2. Cheyenne River Sioux Tribe of South Dakota
3. Fort Berthold Tribes of North Dakota
4. Fort Totten Devil's Lake Sioux of North Dakota
5. Havasupai of Arizona
6. Hualapai of Arizona
7. Keweenah Bay Chippewa of Michigan

8. Lummi Tribe of Washington
9. Navajo Tribe of Arizona
10. Northern Cheyenne of Montana
11. North Slope Borough (Inupiat Eskimo) of Alaska
12. Omaha of Nebraska
13. Pine Ridge Sioux of South Dakota
14. Rosebud Sioux of South Dakota
15. Santee Sioux of Nebraska
16. Sisseton-Wahpeton Sioux of South Dakota
17. Standing Rock Sioux of South Dakota
18. Tanana Chiefs (Athabascan) of Alaska
19. Turtle Mountain Chippewa of North Dakota
20. Winnebago of Nebraska
21. Salish-Kootenai of Montana (Flathead)

Other Indian/Alaskan Native Colleges that are operating to serve tribal entities, but that are not now chartered by tribal authority are:

1. Kuskokwim Community College (Yupik Eskimo) of Alaska
2. Flaming Rainbow College (Cherokee) of Oklahoma
3. Northwest Community College (Eskimo) of Alaska

There are three consortia organized to promote and support reservation-based, tribally chartered colleges. They are: the Montana Indian Higher Education Consortium, consisting of the tribes of the Blackfeet, Salish-Kootenai (Flathead), Crow, Ft. Belknap, Ft. Peck, and Northern Cheyenne; the American Indian Higher Education Consortium; and the Consortium of Colleges for Alaska Natives consisting of two Alaskan Native colleges, the Tanana Chiefs College and the Inupiat University of the Arctic, and of two non-Native colleges, the Sheldon-Jackson College and Alaska Methodist University.

The following eight tribes are in the planning stages of the development of college programs:

1. The Ft. Belknap Tribes of Montana
2. The Mississippi Band of Choctaw
3. The Crow of Montana
4. The Colorado River Tribes of Arizona
5. The Makah of Washington
6. The White Mountain Apache of Arizona
7. The Red Lake Chippewa of Minnesota
8. Ft. Peck Sioux and Assiniboine Tribes of Montana

The 21 tribes having colleges, the consortia and the 8 tribes that are planning colleges should all be receiving planning and basic operational financial support from federal sources. Instead, these tribal college programs are experiencing dire financial problems. Most cannot plan for next month or next semester. A good portion of operating expenses come from meagre tribal resources that are bolstered by faculty and administrators that contribute volunteer services. It should be noted that PRIME at WICHE, providing planning and technical assistance to many of the tribes, is supported by foundations, primarily the Ford Foundation, and does not receive federal support from BIA or OE for these efforts.

An example of a tribal college struggling to provide needed postsecondary education with meagre financial support, is the Lummi Tribe's School of Aquaculture. The purpose of this college is to enhance the employability of Indians by providing theoretical and applied science training to potential aquaculturists from Indian enterprises across the United States. While the emphasis is mainly on fisheries development, the total experience applies to the following areas: surface and ground water resource quality, suitability of water resources for aquaculture, fisheries and wildlife expansion for recreational purposes, and long-range natural resources conservation program development. Now in it's fourth year, the Lummi School of Aquaculture has trained nearly 150 Indian people from 25 tribes from Alaska to Maine. Approximately 25 students graduate per year from

this two-year program. Results are solid. Tribal enterprises on the East Coast, and in Arizona, Alaska, Montana, Idaho and Washington are now staffed by LSA graduates. As a result of this postsecondary initiative, the Lummi tribe is in debt about $160,000 and ten staff are now working without pay to complete the current training sessions. On May 1, 1977, the money ran out. $130,000 is needed to finish the session ending in September. The Lummi School of Aquaculture, one of the most innovative of the special focus tribally chartered colleges, needs $330,000 per year to operate its program for fifty students. It is difficult to make a more cogent case that tribal self-determination in postsecondary education is working almost in spite of consistent federal support.

4. Recent Developments in Tribal Postsecondary Education:

On July 21, tribal representatives from the states of Idaho, Montana, Oregon and Washington met in Coeur D'Alene, Idaho to discuss a Northwest Indian college for the tribes in this region. The planning and feasibility stages of development may take one year's time.

The Montana Tribes Consortium has been meeting once or twice a month for the past six months. Their plans for accreditation of reservation college programs are comparatively complex.

The Ft. Belknap, Crow, Red Lake Chippewa, Mississippi Choctaw and Fort Peck Tribes can be expected to charter their colleges within the next 8 to 10 months. The Colorado River Tribes, the Makah and White Mountain Apache may charter their colleges within one year's time.

It is clear that the tribes are serious in their intent to initiate college programs for their tribal members and are not inclined to wait until outside forces give them the go-ahead.

5. Description of Planning and Development Activities:

There is some misunderstanding of exactly what is entailed in planning and developing an Indian tribal college. What is blithely

called a feasibility study is often a lengthy internal examination of how, if, and why a tribe should initiate a college program for it's tribal members.

The tribe will usually consider the possibility of creating liaison with geographically accessible non-Indian institutions. Too often there is a chilling lack of cooperation, limited career guidance, an absence of supportive counseling that is appropriate to the tribal culture, painfully slow advancement for the para-professional and a tendency to deny credit for competencies already possessed by the student.

The next steps toward achieving a tribal college are usually in this order:

(1) Development of tribal enabling legislation to initiate a needs assessment district by district, village by village, or community by community to find out both what the tribal members need and what the tribe needs for its economic and cultural development.

(2) Tribal and district council debate over directions of curricular emphasis.

(3) The next development is often the establishment by tribal enabling legislation of a Tribal Division of Education, a Tribal Department of Education, a Tribal Education Commission or a Tribal School Board to coordinate and consolidate all tribal education programs on the reservation. This too is often a slow process because individuals are sometimes reluctant to allow education programs to become consolidated under the tribal authority. Federal education programs such as Head Start, JOM, Title I and Title IV have advertantly or (we hope) inadvertantly, by their legislative language, promoted divisive and fractionated entities that have come to see themselves more as authorities in tribal decision-making rather than as tribal members involved in the educational process.

(4) The tribal education planners then develop a chartering document for the college and submit it to the Tribal Council for action.

(5) Tribal planners develop a philosophy, policy, and bylaws and constitution.

(6) Curricula is developed.

(7) A management system is developed.

(8) An accreditation relationship is established with a co-operating institution. In the experience of Planning Resources in Minority Education at WICHE, this step has taken as long as four months. Often the bait of joint development of a Title III proposal is offered.

(9) Proposals are written and financial assistance is sought.

(10) Faculty and administrators are scouted and recruited.

(11) Physical facilities are sought.

(12) A Board of Regents is elected or appointed.

(13) Classes are begun.

6. Other Recommendations: (Proliferation and Title III)

While much of the country is beginning to think of exhausted resources, declining college enrollments and limits to growth, the tribes are buoyant with ideas of tribal management of resources and the corollary of opening the door to education for tribal members who can participate in tribal management and self-determination.

Tribes face this pervasive pessimism with courage. Inherent in this stance of courage is the belief that education is a right; that this right was earned by the exchange of millions of acres of land for education and other services. American Indians have come to believe the doctrine of equal educational opportunity. There is a fear that the development (proliferation) of Indian tribally chartered colleges will mean that Congress may have to appropriate sufficient monies for American Indian postsecondary educational opportunities.

Congress should not expect a growth all out of control. Many tribes have developed satisfactory liaisons with postsecondary institutions that are geographically convenient to the reservations.

As can be seen from the preceding section, tribes in the Northern Plains, the Northwest, and Alaska are already developing consortia that will limit administrative and service costs. A recent suggestion was made that Haskell Indian College could provide accredited courses to small tribes that wish to develop only a few on-site courses for their adult tribal members.

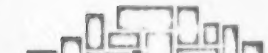
On April 25, 1977, the National Indian Education Association, with the concurrence of the Education Committees of the National Tribal Chairmen's Association and the National Congress of American Indians, submitted several recommendations to the American Indian Policy Review Commission. One of these recommendations was that five regional service centers should be established throughout the nation in order to provide educational technical assistance to the tribes and the accreditation of tribal education programs located on reservations. An additional recommendation was that college preparatory programs should be set up in these five service centers in order to prepare Indian high school graduates for college, to prepare junior or community college graduates for upper division and four year institutions, and to prepare college graduates for graduate schools.

All of these creative ideas that will be developed should allay fears of proliferation.

There has been much discussion among Indian educators that Title III - Developing Institutions should be amended in its language to include the early development of Indian tribally chartered college programs. It is our belief that Title III should be funding under its present authorization an increased number of already developed Indian colleges. We request that Senate Select Committee on Indian Affairs assist us in these Title III efforts.

Once again, we at NIEA appreciate this opportunity to express our views and support of legislation that will assist the tribes to develop and administer strong postsecondary college programs.

JUL 25 1977



515 "D" Street ■ Anchorage, Alaska 99501 ■ 274-5638

July 21, 1977

Ms. Pat Locke, Director
Planning Resources in Minority Education
P.O. Drawer P
Boulder, Colorado 80302

Dear Pat:

Attached is a copy of a piece of legislation our Native Associations have drafted to clarify the definition of Indian Tribe in Alaska, and also provide for a future for many Alaska Natives born after December 18, 1971. We had begun two years ago to clarify the definition for the purposes of contracting under P.L. 93-638. However, the more we looked into the situation, the more we realized the need for federal recognition.

Last week we held a series of briefings for the Alaska Congressional Delegation and Congressional staffs to begin moving our legislation. Our Senators have agreed to jointly sponsor the bill and are quite pleased with the reaction from the others.

My very best wishes and it was good to see you again last week.

Sincerely,

Gordon Jackson

enclosure

JUL 3 1 1977

IV. FUTURE ROLE AND FUNCTIONS OF NATIVE ASSOCIATIONS IN ALASKA

The following is suggested language for definition of Indian tribe in Alaska. The language was unanimously adopted by the undersigned representatives of Alaska Native Regional Associations (the Alaska Federation of Natives, Human Resources Committee) at a meeting held in Anchorage on Friday, July 8, 1977. Underscored words indicate amendments made at a work session held Tuesday, July 12, 1977.

To enable Alaska Natives to maintain and consolidate tribal governing bodies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with the express Congressional policy of Indian self-determination, Congress hereby declares that it is its policy to recognize the express desires of Alaska Natives to maintain and consolidate tribal governing bodies and recognize their authority to designate tribal organizations.

Section 1. Notwithstanding any other provision of law relating to or applicable to Alaska Natives, "Indian tribe" in Alaska shall mean the body of Alaska Natives represented by a Native Association, or its successor, named in Section 7(a) of the Alaska Native Claims Settlement Act (85 Stat.688), hereinafter referred to as Alaska Regional Tribes.

(a) Except as otherwise provided in this Act, the definition of Indian tribe as stated herein shall supercede, repeal, or modify the definition of Indian Tribe in all other Federal legislation relating to or applicable to Alaska Natives, when they are in conflict in whole or in part.

Section 2. Notwithstanding any other provision of law, the governing body established pursuant to this Act by the Native Association or its successor shall constitute the pre-eminant tribal governing body of Alaska Natives residing in the geographic area designated in and within the boundaries established under Section 7(a) of the Alaska Native Claims Settlement Act.

(a) Alaska Native Regional Tribes shall have the power to establish or recognize tribal organizations.

(b) Tribal Organization means any legally established organization of Alaska Natives including an Alaska Native regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat.688), which is controlled, sanctioned, or chartered by the governing body of an Alaska Native Regional Tribe.

Section 3. Qualifications for membership in Alaska Native Regional Tribes shall be established by tribal constitution and by-laws, unless otherwise provided by law.

Section 4. The Alaska Native Regional Tribes, at their option, may organize in accordance with the Alaska Native Reorganization Act (Stat. or pursuant to a Constitution and By-laws, or remain organized pursuant to any existing jurisdictional act, or any existing constitution and bylaws

adopted pursuant to the Alaska Native Reorganization Act.

(a) The Native Tribal Associations, or their successors, named in Section 7(a) of the Alaska Native Claims Settlement Act, are empowered to initially draft, adopt and provide for ratification of the aforementioned constitution and by-laws of the Alaska Native Regional Tribes in accordance with such rules, as they may adopt.

(b) For the purposes of carrying out the provisions of this section, the Secretary is directed to grant to the Native Tribal Associations or their successors, such sums as may be necessary for organizational purposes, in accordance with Section 104 of the Indian Self Determination and Educational Assistance Act, or other authorizations.

Section 5. All rights, prerogatives and duties held by Federally recognized tribes in the contiguous states of the United States, shall accrue to the Alaska Native Regional Tribes established pursuant to this act.

(a) Except as specifically provided by the adopted Constitution and by-laws of the Alaska Native Regional Tribes established pursuant to this act, no powers, rights, or duties presently vested by Federal law in any Indian tribe, band, clan, village, community or association in Alaska or any Federally recognized Indian Tribe within Alaska shall be abridged.

(b) Nothing in this act shall be deemed to abrogate or change any vested property rights.

Section 6. The provisions of this Act shall not be applicable to, or otherwise affect, the Metlakatla Indian Community.

Section 7. Within 3 months of the date of this Act, the Secretary shall consult with each Alaska Native Regional Tribe, or its successor as listed in Section 7(2) of the Alaska Native Claims Settlement Act in order to consider and formulate appropriate rules and regulations to implement the provisions of this Act.

(a) Within 4 months of the date of enactment of this Act, the Secretary shall present the proposed rules and regulations to the Senate Select Committee on Indian Affairs and the Subcommittee on Indian Affairs and Public Lands of the United States House of Representatives.

(b) Within 5 months of the date of enactment of this Act, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(c) Within 6 months of the date of enactment of this Act, the Secretary shall promulgate rules and regulations to implement the provisions of this Act.

S/ Cliff Black, The North Pacific Rim
Pat Pletnikoff, Aleutian/Pribilof Islands Association
Max Pancher, Copper River Native Association
Dennis Tiepelman, Mauneluk Association
Jean Marie Larson, Cook Inlet Native Association
Al Ketzler, Tanana Chiefs Conference
Ray Paddock, Tlingit & Haida Central Council
Frank Peterson, Kodiak Area Native Association
Charlie Johnson, Kawerak, Inc.
Charlie Edwardson, Arctic Slope Regional Corp.

Ms. LOCKE. Thank you.

I think—regarding proliferation—that the climate in the educational world is that there is a glut of teachers, a decline in enrollment, and shrinking resources. At the same time, in contrast to that, Indian tribes are looking forward with enthusiasm to developing their colleges. Therefore, we feel like we are kind of bucking a force.

I think that there is a fear that colleges will go all out of control—Indian colleges, that is. Indian people themselves are organizing consortia. There was a meeting on the 21st of this month with the Northwest tribes of Oregon, Washington, Idaho, and Montana. They are thinking of consolidating and forming one institution that would provide satellite education programs, from that one group effort.

The Montana tribes have been meeting once or twice a month for the past 6 months to do that very same kind of consolidating kind of a thing. That may be a direction that we can go.

The two schools in Alaska—Inupiat University of the Arctic and Tanana Chiefs College—are developing in consortium with Sheldon-Jackson College and Alaska Methodist University.

Another solution suggested has been that Haskell provide courses—two or three courses—out to very small tribes that can never develop a college or do not see the need to do so. That is another solution.

Another suggestion that these three organizations at this table recommended was that in the future we should plan for perhaps five service centers which would provide TA courses and planning capabilities. That was a suggestion in the American Indian Policy Review Commission recommendations we made.

There are various kinds of alternatives that are possible. We would suggest amendments of title III. We could work on that, perhaps. That is another solution.

Not all tribes are going to want Indian colleges. Usually they are tribes that are geographically isolated. People always say, "Well, why can't you just move to a residence on a campus or drive?" Well, you know our people do not have cars in sufficient numbers to do that.

Therefore, proliferation is not something that we should be frightened of. I just want to close by saying that we urge swift passage of this bill with amendments that we have suggested.

Mr. PARKER. Thank you.

Chuck, are you prepared to testify?

Mr. TIMBLE. Yes, Mr. Chairman.

Mr. PARKER. On behalf of the chairman again I would like to thank you for your presence today and for your testimony on this bill.

STATEMENT OF CHARLES E. TRIMBLE, EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. TRIMBLE. Mr. Parker, we would prefer to call you Mr. Chairman if you do not mind.

For the National Congress of American Indians I express an appreciation for the opportunity to testify today before you in support of this legislation which would provide the funding stability that Indian community colleges so desperately need.

We feel that tribally controlled community colleges play a vital role as centers of Indian education and community activity. We would also like to stress the role of community colleges as, indeed, truly tribal development centers, which they are going to be. Tribes are

in a posture of growing nations. For example, I was able to speak several months ago at the graduation ceremonies at the community college in Rosebud. There I saw all of the community activity and I saw their roles as indeed a center for tribal development on the reservation, where all kinds of activity went on—including elections among the tribal members for school boards.

There was a strong initiative and a strong followthrough for such things as GED and for nurses training and for college level training.

I do not know if they strictly conformed to anybody's impression in America of what a college should be. What they cover is even more than that. They cover a wide scope of community center activities.

They have achieved outstanding student retention rates, especially when compared to non-Indian higher education institutions which Indian people attend.

Without timely enactment of legislation such as S. 1215 the continued existence of many of these institutions is doubtful. Certainly the effectiveness of all of them will have greatly increased when they have firm and dependable financial bases on which to plan and operate.

In the last convention of the National Congress of American Indians last October resolutions were adopted that endorsed the concept of tribal control of education and supported the development of Indian controlled schools within that concept.

That convention further resolved that tribal sovereignty will be protected by the exercise of a tribe's authority to function by resolution or charter Indian schools within its jurisdiction.

On the question of tribal control and any possibility of compromising sovereignty in self-government we really feel that one of the highest recognitions of sovereignty and self-government is recognizing the sanction—the license, if you will—that that tribal government grants to its subdivisions.

We do not feel the grave threat that this bill would compromise, although we would like changes in language to specify tribal control.

Another resolution of the convention which we have compared to the provisions of S. 1215 advise that tribal sovereignty be protected through the development of tribal education philosophies and goals, general policies, and comprehensive plans for education of Indian people.

That resolution further advised that a tribe's education fund should insure the involvement of a designated body—preferably elected and representative of tribal membership in the operation of Indian-controlled schools.

We believe that S. 1215 meets the criteria of the NCAI resolutions of the last convention. However, to make it clear to all that Indian tribes through their elected leadership are in control of the schools which will be eligible for financial assistance under S. 1215, we suggest that wherever the bill refers to "Indian-controlled educational institutions" the phrase be changed to read "tribal-controlled educational institutions."

Also, in section 304, which sets forth the criteria for eligibility to receive grants under title III should be amended at 304(a)(1) to read as, "formally controlled, chartered, or sanctioned by the governing body of an Indian tribe." In the same vein, section 304(a)(4) should

be changed to read, "has demonstrated adherence to tribal education goals and plans of operation which serve Indians."

We commend the chairman for his sponsorship of this most important legislation. We are aware that there is some controversy over the technical language in regard to the full protection of tribal sovereignty and tribal integrity. We will continue to work to assure that all segments of Indian country are satisfied with the bill. We urge this committee to work for swift passage of legislation to assist the Indian community colleges.

Mr. Chairman, that concludes the statement of the National Congress of American Indians.

Mr. PARKER. Thank you, Mr. Trimble.

Do any of the other members of the panel have any additional comments to make?

Mr. ISAAC. No, sir; but I appreciate this opportunity to come before the committee.

Mr. PARKER. All right, thank you all on behalf of the Chairman.

Ms. LOCKE. Thank you, Mr. Parker.

Mr. PARKER. The final panel of witnesses which we have on S. 1215 includes Ms. Phyllis Howard, who is president of the American Indian Higher Education Consortium and director of the Fort Berthold College Center in New Town, N. Dak.; Mr. Lionel Bordeaux, who is president of Sinte Gleska College in Rosebud, S. Dak.; Mr. Perry Horse, acting director of the American Indian Higher Education Consortium; Mr. Richard Nichols, director of accreditation of the American Indian Higher Education Consortium; Ms. Roberta Wilson, director, Research and Data of the American Indian Higher Education Consortium.

Who is going to lead off the panel?

STATEMENT OF PERRY HORSE, ACTING DIRECTOR, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

Mr. HORSE. Mr. Chairman, I will. My name is Perry Horse. I am the acting executive director of the American Indian Higher Education Consortium.

Mr. PARKER. On behalf of the chairman I would like to thank you for your testimony and your presence here this morning.

Mr. HORSE. We appreciate being invited to testify.

First of all, I would like to introduce the members of our panel here. To my left is Phyllis Howard, the president of the consortium and also the director of the Fort Berthold College Center, serving the Fort Berthold Reservation in North Dakota.

To my right is Lionel Bordeaux, president of Sinte Gleska College in Rosebud, S. Dak., and also with us today are some of my fellow staff members from the Denver office—Roberta Wilson and Richard Nichols.

I think the way we would like to proceed, Mr. Chairman, is that I will summarize briefly the prepared remarks which I have turned over to your committee staff.

MR. PARKER. If you wish to summarize, your prepared remarks will be submitted for the record as if read.

[The prepared statement of Perry G. Horse follows.]

TESTIMONY

IN SUPPORT OF S. 1215, "THE INDIAN-CONTROLLED POSTSECONDARY EDUCATIONAL INSTITUTIONS ASSISTANCE ACT"

SUBMITTED TO

THE SELECT COMMITTEE ON INDIAN AFFAIRS
OF THE
UNITED STATES SENATE

BY
PERRY G. HORSE
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Mr. Chairman, my name is Perry G. Horse. I am the Acting Executive Director of the American Indian Higher Education Consortium, which is based in Denver, Colorado.

As you know, the Consortium has taken a leadership role in advancing the cause of American Indian higher education, especially in the area of Indian community college development. Therefore, we are very appreciative of this opportunity to testify in support of Senate Bill 1215, The Indian-Controlled Postsecondary Educational Institutions Act.

We have previously submitted background information and supporting documentation concerning the need for federal support to Indian postsecondary institutions. In this regard I respectfully direct this Committee's attention to our testimony of March 15, 1976, supporting S.2634. More recently, we submitted testimony on May 19, 1977, before the House Subcommittee on Postsecondary Education.

My remarks today will focus on some issues which require further discussion and which are directly related to the overall need for legislation such as S.1215 and some of the specific provisions of the Bill. These issues were brought out previously during the aforementioned hearings, as well as in subsequent discussions with various interested parties.

Obviously, the primary issue is the existing need for the kind of institutional assistance that is embodied in S.1215. The fact that there are Tribally chartered colleges now in operation and others that are being planned illustrates this basic premise. Moreover, these new Indian colleges are only on the periphery of the limited sources of federal assistance now available

through such agencies as the U. S. Office of Education and the Bureau of Indian Affairs. In their current struggle for survival the Indian institutions have been hardpressed to secure the financial support that is required to help them stabilize their continued development. Non-federal sources of support to Indian colleges are either not available or impractical for their immediate operational and developmental needs.

We feel very strongly that S.1215 will provide the kind of specific legislative authority that seems to be needed in order to generate more substantial assistance from the appropriate federal agency concerned. In this case it would be the Bureau of Indian Affairs. Mr. Chairman, your committee has on record from the March 15, 1976 hearings on S.2634 the Bureau of Indian Affairs' position with regard to assisting Indian colleges. We remain hopeful that their negative reaction, at that time, to the need for specific legislation in support of Indian colleges will shift to a more favorable and supportive attitude.

Along these lines we would point out once more that there exists a legislative mandate under Section 203.(4) of Public Law 93-638, "The Indian Self-Determination and Educational Assistance Act of January 4, 1975 (88 Stat. 2203), for the Secretary of Interior (through the Bureau of Indian Affairs) to prepare "a specific program, together with detailed legislative recommendations, to assist the development and administration of Indian-controlled community colleges". To date such a program has not been prepared although the submittal date for the Secretary's report to Congress was due on October 1, 1975.

The Consortium has consistently called attention to the needs of Indian-controlled community colleges in terms of operational and funding support. The progress of the various bills (S.2634, S.3850, H.R. 11220, S.1215) is of particular interest since Senate Bill 1215 was generated by

the hearings before your committee on March 15, 1976 concerning S.2634. The former represents the input of various Indian and non-Indian educational interests including the Consortium, the tribal groups identified by Ms. Patricia Locke (Planning Resources in Minority Education, Western Interstate Commission on Higher Education), the staff of the Senate Subcommittee on Indian Affairs, and the American Association of Community and Junior Colleges.

Since the March 15, 1976 hearings two of the schools accompanying Ms. Locke at that time have become members of the Consortium, bringing the AIHEC membership up to twelve colleges. Additionally, three other institutions identified by Ms. Locke at that time have recently made inquiry regarding AIHEC membership.

The Indian college movement is gaining momentum. There is now a stronger need for a specific legislative authority and appropriations to provide grants for the development, operation, and improvement of Indian-controlled postsecondary educational institutions to insure continued and expanded opportunities for Indian students.

In the March 15, 1976 hearing on S.2634, the Deputy Commissioner of Indian Affairs cited the Snyder Act, Public Law 67-85, of 1921 (25 U.S.C. 13) as establishing sufficient authority for BIA support for Indian-controlled community colleges. He further indicated that two of the AIHEC colleges, Sinte Gleska College and Oglala Sioux Community College, each received $200,000 for basic operational expenses and $25,000 for scholarship assistance. These funds are allocated under the Snyder Act provision "that the Bureau of Indian Affairs...shall direct, supervise, and expend such monies as Congress may...appropriate for the benefit, care, and assistance of the Indians...for the following purposes: general support and civilization, including education". This language is broad, and while it can be used to

justify funding of Indian-controlled community colleges, it does not provide a statutory formula for appropriations, leaving discretion to the Bureau to determine the types of educational programs to be funded.

The Bureau of Indian Affairs has so far been consistent in insufficiently funding the two colleges concerned. For example, Sinte Gleska College has always requested in the area of $600,000 to $800,000; the $200,000 BIA allocation only constitutes 25 percent of the college s total annual budget. Under the contract authority of Public Law 93-638, these schools now receive about 30 percent of their operational needs through the Bureau.

The Deputy Commissioner also stated that the Bureau will "be trying very hard to allow as many tribal governments who want to fund community colleges to do so through the band analysis process". If a specific legislative program is not designed, however, it is doubtful whether the situation w ll improve, because at the base of the Bureau's inconsistency in its selective and arbitrary funding of Indian colleges is the rather cumbersome budgeting system presently utilized by the Bureau of Indian Affairs, which is referred to as the "band analysis" process.

Aside from the problem encountered of even getting on the band analysis for the tribe concerned, there is nothing in the process that guarantees a reasonable base figure for a college once it is included. The base figure is usually derived from the unobligated allocations in other programs. To get into the band analysis, there have to be savings in other programs. Thus there exists a situation that an institution starts out by competing with other vital tribal programs such as natural resources and economic development, manpower training, construction, tribal operations, law enforcement, scholarship assistance, etc.

Since these tentative allocations are used as starters in the budget process, there is no guarantee that they will exist in the next year's budget. If they do exist, because funding is maintained each year at the same level, any increases must be requested as add-ons. It is difficult to even get into the process. It is more difficult to get an add-on.

Budget requests going from the tribe may include specific request for college operations. However, the gross appropriations are determined at the BIA Area Office level, which is the first level of the BIA bureaucracy below the Washington level. If no specific line item for college operations exists at the Area Office level, these requests are combined with the aggregate line budget item for Higher Education which includes student assistance and scholarships.

At the Area Office level, the band analysis is susceptible to distortion in that these line items are prioritized based on the requests from other Tribes included in that Area Office's jurisdiction. If higher education is prioritized at a lower level with other Tribes, for instance, that is reflected as a lowering of the allocation for higher education in general. There ensues a situation where all the higher education funds for each Tribe must then be reallocated proportionately. So if a cut is made, the college is competing with direct student assistance programs for what is left of the higher education allocation at the tribal level. In most cases since student assistance funds were in the band first, they would receive priority ahead of college operating support. This causes a serious instability which could indirectly jeopardize the institution severely.

During the March 15, 1976 hearings the Deputy Commissioner for Indian Education, U.S. Office of Education, agreed that under the broad general authority of the Snyder Act, the successful development and operation of the Indian community colleges would be hampered by the heavy competition among

the other categorical considerations. We concurred that when considering a comprehensive approach, specific legislation would be more appropriate.

Also in the same hearings, the Bureau of Indian Affairs education specialist, in response to a question concerning how the Bureau of Indian Affairs proposed to meet the expenses of funding reservation-based community colleges, suggested that the model to be considered would be Public Law 92-189, "The Navajo Community College Act of December 15, 1971" (85 Stat. 46) which is an authority "to assist the Navajo Tribe ...in providing education... through a community college". P.L. 92-189 specifically established the college, and further established a statutory formula which allocates funds for the college's existence. However, there are difficulties in using the Navajo Community College Act as a model. The current legislation introduced in the Senate to amend the Navajo Community College Act to provide direct appropriations, based on a statutory formula, to the college recognizes these same problems. The sponsors of the amendment recognize as "unreasonable and unacceptable" the inclusion of the college's funding within the framework of the Bureau's allocation to the tribe. Furthermore, the applicability of the band-analysis process is negated by the statutory formula for allocations.

It is our feeling that all of this clearly points out the need for specific legislation for operational funding of Indian colleges. The Consortium fully supports and urges the enactment into law of Senate Bill 1215.

There are some facts of S. 1215 that perhaps need clarification in relation to the presently existing tribally sanctioned colleges of the Consortium. The colleges of the Consoritum exist under the idrect authority of their respective tribal governments. They exist under individual tribal charters that spell out for each of their specific mission, goals, and objectives in addition to providing certain guarantees and certain types of assurances.

The charter recognize established Indian colleges as having a legal right to operate as subtribal entities, or in the language of P. L. 93-638, as "Indian organizations". As such, a tribal college may be authorized by the tribal council to borrow money and to mortgage (if it has property) just like any corporate body.

Additionally, the tribal charter establishes an environment for educational institutions to have academic freedom which is vital to the educational function. The tribal councils themselves, recognizing tribal administrative turnovers every one or two years, can and do consequently provide, in the charters, for on-going institutional stability.

The tribes, in recognition of a primary mission of the tribal colleges to strengthen tribal governments, give the colleges the opportunity to develop through continuity and consistency in long-range planning and program implementation.

Conversely, in recognition of where the colleges' derive their authority and basis for existence, they are mindful of the fact that the ultimate and final authority for review and for approval rests with the tribal council. Through the charters, the tribes themselves can spell out all accountability and review procedures. Through resolutions and through contractual agreements. there are mandated quarterly reviews and progress reports, and annual reports to the tribal council explaining and accounting for all factes of institutional operations. Thus, direct funding of these institutions does not in any way circumvent tribal authority. In fact, where it does exist, it enhances tribal government in that delegated authority and responsibilities are strengthened.

In building accountability mechanisms into the tribal charter, in reserving any action taken by virtue of delegated power, and always holding final authority for review, the tribal governments have demonstrated their confidence in the colleges. Again, this is in recognition of the fact that they do not want politics and education to be mixed. They want to make the

colleges as immune as possible from whatever administrative or political instability may occur; thus guaranteeing the continuity of the educational mission and function.

We have never seen S. 1215 as being discriminatory toward small tribes or as benefiting only a few tribes. As we interpret the language of the bill, the major intent is to provide immediate support to those colleges that are operational and in critical need of basic funding.

Additionally, Section 305, provides for grants to tribes to assist them in assessing the feasibility of starting their own colleges or similar alternative. It also provides for grants to tribes to assist them in planning colleges and in providing for technical assistance in bringing these "on-paper" institutions up to an operational level where they would be eligible for direct funding.

This concludes my prepared remarks, Mr. Chairman. Thank you very much.

Mr. HORSE. Thank you.

Then, Mr. Bordeaux has a summarization of his prepared testimony also. Then the rest of the staff will be available for questions and answers.

Mr. PARKER. Thank you.

Mr. HORSE. First of all, we can only reiterate the crucial need at this point for the kind of Federal financial support that we are seeking through S. 1215. We have already provided voluminous testimony and supporting documentation through the course of previous hearings in the Congress in relation to bills that were submitted before in support of the Indian community colleges.

At this point I would respectfully refer the committee's attention to the materials and testimony that we presented previously and just go into summarizing some of the points that probably require further discussion.

S. 1215, as we understand it, is designed primarily to lend immediate assistance to those eligible institutions that are currently operational. We are fully aware that other tribes are in the process of planning community colleges. We feel that they should be encouraged in that endeavor, and in fact S. 1215 speaks to that need also.

What we are primarily concerned about at this point, as an organization of operational community colleges, is that we are desperately in need of the kind of stable funding that S. 1215 represents. Therefore, we urge prompt favorable action on the bill.

It does provide for technical assistance and feasibility study moneys to the other tribes that are pursuing this avenue toward postsecondary education. One of the reasons why there is a need for S. 1215 is that the present forms of support are simply not adequate. We are talking about Federal sources of support—primarily the limited resources that are forthcoming from the Bureau of Indian Affairs and some of the programs emanating from the Office of Education

Our experience has been that the Office of Education has been the most supportive of all the Federal agencies in supporting the efforts of the Indian community colleges.

Mr. PARKER. Excuse me. Did you say the Office of Education?

Mr. HORSE. The U.S. Office of Education, mainly through title III of the Higher Education Act of 1965. That is under the "Strengthening of Developing Institutions" section of that act.

At the present time eight of the consortium member institutions benefit in varying amounts on title III. In some cases it represents almost their sole support at this point.

We are very concerned that the Bureau of Indian Affairs has not been as responsive in the past to the needs that are evident, in helping the tribes to strengthen the colleges that they have decided it is in their best interest to set up.

We feel that there has never been an adequate response to the mandate in section 203(4) of title II of Public Law 93–638, which directed the Secretary of the Interior, through the Bureau of Indian Affairs, to come up with a detailed program of support and specific legislative recommendations supporting the Indian colleges.

We can only point out again that while the consortium did a survey and collected the raw data which was to have been used to prepare that report and legislative recommendations, as far as we know nothing has been followed up since that point.

Mr. PARKER. When was that study submitted?

Mr. HORSE. That was concluded in September of 1975 and turned over to the Bureau of Indian Affairs at that time.

Also, as far as we know, the Bureau does not have any specific programs of assistance to institutions in their present setup. One of the recommendations that were made in our 1975 survey was that they set up a division of postsecondary education which would include the kinds of assistance that is needed to help the Indian colleges.

We feel further that the need for a bill such as S. 1215 is illustrated by the study of proliferation of Indian community colleges since the early 1970's. We feel that these colleges, despite the struggle that they have had to go through to survive, have in fact provided quality educational services to the students that they serve and have maintained a high level of educational standards.

Mr. PARKER. Through the consortium: Are there any defined evaluation criteria in order to assess the quality of the education being provided or the types of objectives which the institutions have set up, and whether there has been any degree of success in meeting those objectives?

Mr. HORSE. We have initiated a study—an in-house committee within our organization—to look at the aspects of peer review and of quality control, but we are limited by staff and financial resources to really get going on that. One of the goals of the consortium, however, is to eventually establish an accreditation association. We have taken preliminary steps to implement that goal. However, it still requires a considerable amount of work.

In the meantime, though, two of our member institutions have achieved full accreditation status with the appropriate regional accreditation associations that are existing. Three of them are on candidate status, and we feel that one or two more may be likely to be candidates within the next year or so. The rest of them are accredited through their affiliation with larger universities and colleges in their regions.

In other words, all of the academic programs that these colleges offer are all accredited—either through their own sources or in affiliation with an accredited university.

Mr. PARKER. Would you think that there would be any particular problem raised with accreditation if the institutions were tribally controlled as opposed to being under a community board of directors of any sort? In other words, does the issue of tribal control have any relationship at all to the issue of accreditation?

Mr. HORSE. There does not appear to be. Navajo Community College is tribally controlled, and they received their full accreditation last year. We do not think that that is going to represent any particular problem.

The other area that I would like to address myself to relates back again to the reasons why the Bureau has stated that they cannot support this kind of legislation—although I am gald to hear today that they seem to have changed their minds and are now thinking that perhaps it is a worthwhile thing.

Under the Snyder Act, that they have cited before, we feel that if you interpret it broadly enough there probably is sufficient authority under the act. However, the record does not show its effectiveness as far as its applicability to what we are trying to do.

The other problem would be with trying to get community college operations under the so-called "band analysis" process. That simply does not work in the case of the colleges that we are associated with. It is not conducive to long-range planning. It is a prioritization process primarily. We are all aware that the tribes, by-and-large, are understandably concerned with the survival issues, such as health care, housing, economic development, and somewhere down the line the education falls in.

As a priority matter it seems very difficult for these colleges to even get on the band analysis in the first place. Therefore, that does not appear to be a realistic avenue of support in our view.

Mr. PARKER. In other words, you are agreeing essentially with the position of the Navajo Community College witnesses who raised opposition to having higher education institutions on the band analysis.

Mr. HORSE. Yes.

My final remarks are directed to some of the provisions of S. 1215. While I do not have any specific language changes at this point I would just like to speak to the issue of the intent of S. 1215 in relation to the authority of tribes.

It is our feeling that S. 1215 does not circumvent tribal authority because as tribally chartered institutions the colleges are in fact under the full control of the tribal governments concerned. Mr. Bordeaux can probably elaborate a little more on this point, but it seems to me that in its present form S. 1215 would be an integral part of Public Law 93-638. It does not make any sense that it would go against the intent of tribal self-determination, and also Public Law 93-638 speaks to the need for educational assistance to tribes.

Mr. PARKER. Then, on the question of proposed amendments: Are you in opposition to the proposed mandatory language which would substitute "tribal control" for "Indian control"?

Mr. HORSE. No, not that particular——

Mr. PARKER. You are simply addressing the point that——

Mr. HORSE. I am just simply adressing the point that the direct funding issue seems to be misunderstood somewhat. It is our feeling that if it goes through as an amendment to Public Law 93-638, for instance—don't all of those moneys go to the tribes anyway, and then they in turn subgrant it to their tribal entities?

Mr. PARKER. As I understood the testimony of some of the other witnesses they recommend amending the language to have the program independent of the Self-Determination Act.

Mr. HORSE. Yes; that is my understanding.

Mr. PARKER. What would your position be on such a suggested amendment? Do any of the other witnesses care to respond to that?

Mr. HORSE. I cannot see any specific objection to that. Our idea is to get the kind of help we need, whether it is as a part of 93-638 or as a separate bill.

Mr. PARKER. In other words, you do not have strong feelings one way or the other?

Mr. HORSE. I do not have any strong feelings about that; no.

Finally, I would just like to say that our main concern is, again, to get this bill enacted so that we can give the kind of immediate financial support that the colleges need. The ones that have been operational for some time are really struggling nowadays to keep going. We are

very concerned that the kind of support we have been getting from title III is very tenuous, it seems to us, from year to year—although, fortunately, for the coming year we have all experienced slight increases in funding under title III.

Still, that does not represent the kind of operational support that the colleges need to do the kind of long-range planning that is needed, and also to get into the areas of program development that we need to get into and not worry on a year-to-year basis about the pure survival thing.

We feel that S. 1215 is not discriminatory. It speaks to the needs of those tribes that want to conduct feasibility studies to see whether a community college would meet their needs. Then, once a tribe establishes a college, if it meets the criteria, then there is no problem with their being included under the legislation at some future point.

That really concludes my summary of my prepared testimony. I will turn it over to Mr. Bordeaux at this point unless you have some questions now.

Mr. PARKER. I just have one last question, if you do not mind.

Do you have any comment on the suggestion that the Navajo Community College bill be attached as a separate title to S. 1215?

Mr. HORSE. We have no objection to that.

Mr. PARKER. Thank you.

Mr. Bordeaux? Or is Phyllis going to be next on the panel?

Ms. HOWARD. Mr. Bordeaux is going to be next.

Mr. PARKER. Lionel, on behalf of the chairman we would like to welcome you to the hearing this morning and thank you for your testimony.

STATEMENT OF LIONEL BORDEAUX, PRESIDENT, SINTE GLESKA COLLEGE

Mr. BORDEAUX. Thank you, Mr. Chairman. I appreciate the invitation to come here and present testimony. However, it is getting a little old.

I was prepared to deliver a different type of a presentation here this morning. Unfortunately, the nature of what I have heard up here has caused me to turn my horse around in the middle of the stream and go into the different aspects of the presentation that hit more upon documentation and fact in order to attempt to establish a straight record as to the intent of Senate bill 1215.

First of all, I would like to express my surprise and enlightenment to my good friends over in the Bureau of Indian Affairs—Dr. Demmert and Mr. Leroy Clifford—for the position that they took here this morning. It certainly has been different than that which we have worked with in the past.

I was originally prepared to bring a resolution from home requesting than an Indian desk be established in the BIA. However, after what I heard this morning, maybe it is not needed.

What I would like to do is to hit briefly upon the historical perspective of the development and funding of Indian-controlled community colleges and hit briefly upon the legal authority for the existence of Indian-controlled community colleges, and particularly the meaning of a tribal charter.

Third, the basic institutional mission which we feel we are in operation to accomplish is to strengthen tribal government through being the educational arm of the Rosebud Sioux Tribe.

Lastly, we will hit a little about the Indian colleges of tomorrow and self-determination through education.

While the development of the Indian community college has often been called a movement, it could probably more accurately be called a happening. No one planned the Indian community college movement. Such institutions have appeared in response to diverse needs and problems of Indian tribes and communities.

There is no theory under which Indian community colleges have evolved. If there is one constant it is that of being diverse. Diversity seems to be our only constant.

However, today again we journey to Washington, D.C., pleading our case—a case that is so obvious, especially during the time and era of Indian self-determination that it is almost an insult to these Indian colleges to be bringing them back here year after year to repeat the same story.

I think probably one of the courses that we are going to implement at home will be imagination and creativity. Fortunately, we as Indian people have had enough of it that we can come here and continue to speak on. However, unless action is taken immediately here someplace down the line we can only come back and say the same things over and over. Basically, that is where we are at today.

I am prepared here to go back and to document a case for funding—and I mean funding immediately. I am not talking about funding based upon a feasibility study that is going to take place that will see what will happen 1, 2, 3, or 4 years from now. I am talking about funding that should have happened a long time ago, dating as far back as 1971, which I am prepared here to read portions of.

In support, to show you the time and energy and money that we in particular at Sinte Gleska College have utilized and expanded, I will document our case.

In our continuous trips to Washington, D.C., beginning back in 1970 and 1971, and even now in 1977 we have been talking about the same issue, which is permanent funding for Indian-controlled community colleges. I have a letter here which is dated December 16, 1971. It is addressed to Mr. Sammy Redbird, chairman of the Board of Directors of Sinte Gleska College, Rosebud, S. Dak.

It says,

> The purpose of this letter is to inform you that we will be making a specific request for major support funding for the Rosebud and Pine Ridge College Centers for fiscal year 1974. This funding should support the basic operating costs of a college center. I hope that this commitment will indicate our strong support of these centers and our intent to be as helpful as possible during the interim. We will encourage other agencies to contribute to the support of centers during fiscal years 1972 and 1973 with the understanding that their contributions would not be expected beyond those fiscal years.

It is signed by Commissioner Louis Bruce.

The other documentation that I have is likewise dated December 16, 1971. It again states:

> We have carefully reviewed the proposals for the development and operation of college centers on Rosebud and Pine Ridge Reservations.

Unfortunately, I am unable to commit to you the full amount of funds requested for fiscal year 1972. I am, however, able to commit $45,000, which I trust will indicate our good faith and our deep interest in the development of higher education opportunities on the two reservations.

We make this commitment in view of the fact that the recognized tribal government that your reservations have designated your respective member organizations to operate reservation higher education programs. You therefore have a preference in obtaining Bureau of Indian Affairs financial assistance for such programs on your reservations and a right to negotiate with the Bureau to contract for such programs.

Again, it is signed by Commissioner Louis Bruce.

The third documentation is dated, again, December 16, 1971. Again, he writes to Stanley Redbird and Gerald Onefeather, who was president of the board of directors at Pine Ridge at that time:

Gentlemen, the purpose of this letter is to indicate to your our continuing commitment to the Rosebud and Pine Ridge College Centers. We feel it is highly important that the operation of the centers be strengthened and improved.

It is therefore my pleasure to inform you of our intent to negotiate a contract for at least partial funding for operation of the centers during fiscal year 1973. I am hopeful that we will be able to provide 75 percent of the operating cost.

Again, it is signed by Commissioner Louis Bruce.

We had testimony before the House Appropriations Committee in the spring of 1972 where a question was asked in behalf of Sinte Gleska College and Pine Ridge College in Rosebud. The question was:

What are the fiscal year 1973 funding plans for Lakota Higher Education Center at Pine Ridge and the Sinte Gleska College at Rosebud in moving forward in the higher educational and career development work they have undertaken?

The answer was:

For fiscal year 1973 the Bureau is planning to provide 75 percent of the funding support for the Sinte Gleska College and Lakota Higher Education. The Bureau feels that the development of reservation higher education community colleges is a relevant approach to Indian self-determination higher education, and would support the philosophy of local implementation.

Finally, on May, 4 1972, a very strong letter was written by Senator Abourezk to Commissioner Bruce, where he stated that he was extremely disturbed over recent information which had come to his attention regarding the BIA funding commitment for Sinte Gleska College and Lakota Higher Education Center.

It is apparent that the Sioux community colleges are in danger of losing their funding base due to either consistent misrepresentation of facts by the BIA, a classic case of bureaucratic bungling, or perhaps more accurately, a total lack of commitment on the part of the BIA to see an Indian-controlled higher education program develop and succeed.

Going on down the line, he states that his office staff had been in attendance at numerous meetings with the Indian colleges of Sinte Gleska and Lakota Higher Education. They had met with BIA Officials, Interior officials, OMB officials, and following the strong letter here from Senator Abourezk dating back to May 24, 1972, finally on July 19, 1972, Commissioner Louis Bruce responded to a letter addressed: "The Honorable Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs." It states:

We are pleased to respond to your letter of June 13 regarding Bureau funding of the Sioux College Centers at Rosebud and Pine Ridge in fiscal year 1973. Please accept our apology for delay in responding.

Attached to this letter was finally a commitment by the Bureau of Indian Affairs. It was signed by Louis Bruce and directed to Mr. Wyman Babby, then area director, where he stated that in accordance with 1973 justification Congress provided that developmental assistance was to be given by the BIA to two community college programs initiated on Pine Ridge and Rosebud in the amount of $200,000 apiece.

You can see, Mr. Chairman, that we are not new to this program. We have been coming here a long time. When I hear the Bureau talk again about a delay I can see their point because of the organization and the appointment of a new Under Secretary.

However, I am wondering what is going to happen to these Indian colleges in the interim period. We, at Sinte Gleska College, operated with that $45,000 that the Bureau mentioned in one of the letters back in fiscal year 1971–1972.

Today we have been able to raise $1,353,283. There has been no mandate by anybody to assist us. Next year we will open up 107,740 more square feet of facilities for operation. We have just recently acquired fundings from EDA to put up a 25,000 square foot administrative academic unit with 11 community education centers of 6,000 square feet, representing 66,000 square feet.

This fall we will be opening up a new library media center of 45,000 square feet; a science center of 4,800 square feet; and an adjustment training center of 1,500 square feet.

Therefore, we are talking about funding that should have been in the band analysis 1½ years ago to implement these programs this fall.

Next year, as in the past, when we have consistently documented our requests anywhere from one-half million to 1½ million, our request this year being $1.6 million—and that being a very conservative figure, regarding the tightness of money in these days, particularly with the controversy surrounding Indian-controlled community colleges, unfortunately the Bureau has seen fit to only provide us with $300,000.

There is a cut coming up next year back to $293,500, at a time when the Tribal Council has stood firmly behind us requesting additional moneys for the Sinte Gleska College to the tune of $1.6 million for next year.

I do not take these delays. People point to small technical differences, inadequacies of the State, things that are to circumvent tribal government. Frankly, it is absurd for me to stand here and to have to defend Indian-controlled institutions such as Sinte Gleska and hear allusions to the fact that an undermining of 93–638 or tribal sovereignty is in the wind. I, myself, have been elected tribal council member from Rosebud. I am also presently an official nominee for the president of the Rosebud Sioux Tribe.

Certainly, I would not have pursued these positions. I would not operate an institution that I thought in the smallest vein would undermine tribal sovereignty. This was not the mandate of the Indian people on the Rosebud. This was not the mandate of the tribal council when they issued a tribal charter.

Back on January 28, 1971, a resolution was passed. It is resolution 7101, whereby the Rosebud Sioux Tribe officially chartered Sinte Gleska College. It was passed by a vote of 21 in favor and none opposed. It was signed by Webster Two-Hawk, who was the then president of the Rosebud Sioux Tribe.

This charter was provided pursuant to the authority granted by the following: I refer to the authority that they are talking about, which is number 1, article IV, section 1, subsections (n), (t), and (u) of the constitution of the Rosebud Sioux Tribe. It states

Powers of the Rosebud Sioux Tribal Council, section 1, enumerated powers. The council of the Rosebud Sioux Tribe shall exercise the following powers subject to any limitations imposed by the statute or the Constitution of the United States and subject further to all expressed restrictions upon such powers contained in this Constitution and attached by-laws.

Subsection (n), to which they refer, is

To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations and members of the Tribe.

Subsection (t),

To adopt resolutions regulating the procedure of the Council itself and any and all other Tribal agencies and Tribal officials.

Subsection (u) states,

To delegate to subordinate boards or Tribal officials to the several communities or to cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

Therein spells the complete authority of the corporate body of the Rosebud Sioux Tribe. In itself it was obtained in section 16 of the Indian Reorganization Act which stated that "any Indian tribe or tribes residing on the same reservation shall have the right to organize for its common welfare and may adopt an appropriate Constitution and by-laws," et cetera.

Dating as far back as the Indian Reorganization Act, which then created the corporate body of the Rosebud Sioux Tribe, it spelled out in its Constitution and bylaws the delegation of authority to subordinate bodies, always mindful of the fact that tribal councils in themselves will have the absolute power at any time a subordinate subcharter entity should deviate or should stray. The tribal council has the authority to correct the situation. They can do this either by jerking that charter or by reminding during its annual reports, its quarterly reports, the mandate, and the cooperation and coordination that was initially developed.

The educational objectives were established between that subordinate chartered organization and the tribal council itself.

These are the things that we are spelling out—the criterion for eligibility. If that is circumventing tribal government, then I guarantee that I stand to be enlightened.

What is the meaning of a charter? You can say that a tribal charter is provided—on Rosebud we have several. In addition to Sinte Gleska College we have the tribal land enterprise, the Rosebud Housing Authority, the Indian health management, and we also have the tribal ranch.

The tribal council saw the need to provide a buffer, a political safeguard, so that these particular subchartered entities will have the freedom to develop and maintain consistency and long-range planning implementation, recognizing the fact that with the difficulty of funding requirements many funding sources will not touch you unless they can see this type of a stability written into your program.

For us it provides the opportunity and the political buffer in the environment for the pursuit of academic freedom. Therefore, (1) is allowing educational institutions to develop through continuity and consistency. An example, as I mentioned, is long-range planning implementation.

(2) is the allowance of educational institutions to provide technical assistance to individual tribal businesses to develop, operate, and flourish. The end result is economic self-sufficiency on reservations.

That would be separating the business from the political end.

(3) is that it allows the opportunity—a sustained opportunity for the institution to develop comprehensive community education programs in not only academic but nonacademic areas of education.

It allows for the tribal subentities to receive money directly for 6 years. Sinte Gleska, through its tribal charter has been receiving moneys directly and being held accountable to quarterly reports and annual reports, back to the tribal government. There is no incompatibility of such direct funding. All such subcharter organizations on Rosebud receive money directly.

Mr. PARKER. If this bill were to read that the funds which are appropriated under here are delivered directly to the tribal government as opposed to being delivered directly to the tribal charter and institution, would you anticipate that there would be any problems raised in terms of the Rosebud Tribe and your relationship or the relationship that exists between the college and the tribe, particularly since the bill authorizes appropriations for specific purposes? I do not believe that we are talking about funds which could be used with much discretion one way or another.

Mr. BORDEAUX. The reason for a tribal charter is that the tribes themselves many times saw the weakness in their own programs. Tribal elections every 2 to 4 years were complete programs that could be torn down through political manipulation. To safeguard this the founding fathers developed the Constitution and bylaws way back in 1934. It may or may not happen. Tribal councils themselves are mindful of the fact that they themselves recognize many times the instability of programs that need long-range protection. They may not always have that guarantee in the event of an administrative turnover.

Consequently, this is really the basis for a charter subentity to be in existence.

Mr. PARKER. Then I hear you saying that your personal position and preference would be a funding mechanism delivering funds directly to the institution.

Mr. BORDEAUX. Directly to the institution, but being held accountable to charter procedures that are spelled out in its charter or by resolution or by an agreement whereby this subchartered organization is always mindful of the fact that it is subservient to the tribal council, who in itself is subservient to the people of that reservation.

Mr. PARKER. Do you think that there might be some problems created if the bill were to read that way and any particular tribe, for example, might have set up their own internal mechanization in such a way that that would create some sort of problem for them?

In other words, if different tribes certainly do things according to their own traditions and their own way of doing things. I can envision a tribe having set up a system where it is only allowed funding directly to an institution it might create a problem in terms of eligibility.

Mr. BORDEAUX. No; this is strictly a tribal prerogative. However, they want to set up the internal mechanism for accountability and disbursement. It should remain optional with the tribe.

I know that that is very possible. We have experienced it in the past whereby tribal administration has removed moneys from the college for its own programs.

Mr. PARKER. Thank you.

I have one other question. Again, a proposal has been made to separate this bill from Public Law 93-638. Do you have any comments on that proposal or any arguments you want to make one way or the other?

Mr. BORDEAUX. We initially opted for our own bill. We feel that our movement can stand the test and can stand on its own feet. It can justify itself. It needs its own defined type of existence, you might say.

Some of our advisors on various legislative committees felt that perhaps an amendment to 93-638, where we had originally attempted to stick the Indian college legislation, would be in order.

I would prefer our own bill. However, at this stage, as you can see—we have been coming here since 1971. I would just like to see some money. I would like to see a commitment.

In conclusion, in Indian colleges, and particularly that on Rosebud, we do not have time to sit back and to wonder what is right and what is wrong. Nobody prepared us for administration of Indian colleges. Nobody prepared our instructors to teach in these particular types of institutions.

Indian colleges are one of the most difficult institutions or programs to keep going. Basically, I heard some discussion here this morning regarding tribal control or the effect of accreditation. Probably your biggest competition or your biggest problem is constantly—it is not so much providing or being accountable locally. The problem is attempting to justify your own existence to the other institutions of higher learning in your own State. I am talking about the non-Indian institutions.

These are the people and the groups who really bring pressure to bear upon you. That is really your main threat. You have got to meet their standards. You have got to show that you can handle the standards that they set up for their own institutions before they will start giving you the respect and credibility that you are seeking.

It is a two-way mission. On one side you are proving yourself to the other non-Indian institutions, and on the other side you are attempting to provide a viable program locally. When you do not have money in between to do either one it is pretty tough.

We feel, however, that the spirit is there. The commitment is there. Ours is a commitment of total success. We are way beyond that stage now where we are merely seeking funding. If I had the time I would elaborate upon the levels of advancement that these tribes will soon be confronted with as they begin their colleges.

I can only say that those of us in existence, if we have not been burned out by then, will stand ready to assist them in every way possible. We have gone through every conceivable hardship and obstacle in bringing our programs this far. I think our tribal governments are to be commended for placing the trust and the confidence

and giving us the academic freedom to develop so that we can develop a viable educational arm that will in turn strengthen tribal government and protect the trusted responsibility for which we all exist.

Mr. Chairman, we need your help.

In closing, I would also like to express our appreciation to the Navajo delegation. I would also like to say that I am in support of Senate bill 468, to amend the Navajo Community College bill. I would rather not see the bills merged. I would like to see them retain their autonomy just as we are attempting to establish autonomy in ourselves.

We work closely together. We have always looked upon the Navajo Community College as the provider of leadership in the Navajo Community College movement. I know their problems are many and varied. I think that they designed their bill specifically to address their problems, just as our bill has been designed to address our own existence and the future upstarts in Indian colleges.

In all due appreciation, I wish that you would pay very close attention to their requests also, Mr. Chairman.

Thank you.

[The prepared statement of Mr. Bordeaux follows:]

T E S T I M O N Y

RESPECTFULLY SUBMITTED

BY

LIONEL R. BORDEAUX

PRESIDENT

SINTE GLESKA COLLEGE

ROSEBUD, SOUTH DAKOTA

TO

THE SELECT COMMITTEE

ON

INDIAN AFFAIRS

OF THE

UNITED STATES SENATE

JULY 28, 1977

Mr. Chairman, distinguished committee members, ladies and gentlemen, my name is Lionel R. Bordeaux. I am the President of Sinte Gleska College located on the Rosebud Sioux Indian Reservation in South Dakota.

I appreciate the opportunity to present testimony at these hearings on S. 1215, the "Indian-Controlled Post Secondary Educational Institution Assistance Act."

The purpose of my testimony is to demonstrate the need for federal legislation providing grants for the development, operation, and improvement of Indian-controlled postsecondary educational institutions.

Today, Indian educational problems are critical and solutions must be both innovative and "high risk", if anything is to be done. For in no other ethnic minority group is there less literacy, more poverty, unemployment and under-education than in the Indian community.

In the past, Indian education policies have been imposed and undertaken by non-Indian administrators and educators with the assumption that the Indian was incapable of decision making and that the same educational approach was appropriate for all Indians, regardless of tribe. The disastrous results of these policies have been that the average grade-level achievement of the American Indian is five years, that the first-year drop-out rate of those few Indians who reach college is seventy-four percent (74%); that only three percent (3%) of those entering college graduate; that only one of one hundred (100) Indian College graduates will achieve masters degrees.

To help combat these educational tragedies, several Indian tribes have instituted their own Indian community colleges. These institutions of post-secondary education have the following unique characteristics:

1. They are located on reservations.
2. Their Board of Regents or Directors are comprised entirely of Indians.

3. They have a majority of American Indian administrators and faculty.
4. They have almost totally Indian student bodies.
5. Their curricula are adapted to the individual tribal culture.
6. They are at liberty to be more innovative in both course content and instructional methodology.

It is the general view of these colleges that education should be a pragmatic approach to gaining and improving individual competencies and skills; that higher education programs at the local level should be flexible while maintaining those aspects of quality and responsiveness to what the people want.

In this endeavor, the colleges are moving to the forefront in developing program criteria which answer educational needs based in part on population variables, economic-development concerns, social-service needs, and cultural (tribal) values. The entire Indian community college movement has been an organic process, conducive to dealing with immediate concerns while evolving a philosophical foundation on which to build models for problem solving for both immediate and long-range concerns.

Sinte Gleska College is such an institution of higher learning. It is a tribally chartered higher-education institution which was incorporated in the State of South Dakota as a non-profit organization in 1970. It operates on the Rosebud Sioux Indian Reservation in south-central South Dakota. The College was founded upon the philosophy of Indian control and determination of their own destiny. The founding persons desired to see their people given the opportunity to continue their education in an environment which would most likely lead to positive achievement.

The College provides accredited college-level courses and adult-education programs to residents of the area which it serves. Courses

are contracted for and offered with accreditation from Black Hills State College and the University of South Dakota on a resident credit basis. At the present time the College offers Associate of Arts degrees in General Studies, Education, Business Education, Human Services, Indian Studies, and Nursing with the potential to expand into the area of Natural Resources. Sinte Gleska College plans to offer external baccalaureate degrees beginning next fall.

In the first semester of 1971, Sinte Gleska College enrolled 132 students with a volunteer staff. Today over 400 students are enrolled in academic courses while another 400 are enrolled in Adult Basic Education classes. Staff has expanded to sixty-four (64) full-time members and twenty-six (26) part-time employees. Our total budget is approximately $1.1 million.

Physically, Sinte Gleska College operates on a dispersed-learning approach. This means that classes must be dispersed or taken to the communities because the size of the reservation and the lack of transportation make it impossible for students to reach a central campus setting. The advantages of this type of model are:

1. It is a system that utilizes local community facilities and brings education directly into communities.
2. Its needs only a small central administrative and faculty facility.
3. It uses local qualified and credentialed persons to teach courses. Many courses can be taught by part-time faculty paid per course taught, thereby reducing the need for a full-time teaching staff.
4. It utilizes other colleges to provide accreditation and consultation to maintain validity and quality of course work and programs.

We feel this type of model is viable and extremely effective. It also serves as an example to other Indian reservations of a worthy tribal venture in defining and validating Indian education.

On July 1, 1970, former President Nixon officially proclaimed the Indian Self-Determination Policy. The Congress of the United States has also recognized the need for Indian people to be responsible for their own educational programs by enactment of legislation such as the Indian Education Act of 1972, and the Indian Self-Determination and Education Assistance Act of 1975. Indian tribes and organizations have since been attempting to create and develop their own educational opportunities. Indian parents, educators, and tribal leaders are clamoring for recognition and involvement in the education that affects the lives of their children. They feel that they have relinquished this responsibility far too long. They point ot the underachievement and ethnic alienation of their children under the present education system. Traditionally education has been viewed as the cornerstone upon which a community builds. Unfortunately the education of the Indian has always been devoid of this community involvement and recognition. Educational programs which affect the lives of children are rarely conceived, planned, operated or controlled by Indians.

Furthermore, all these problems have been rendered much more urgent by the recent Supreme Court decision in Rosebud vs. Kneip which, in effect, removed three-fourths of the Rosebud Sioux Reservation as defined by Act of Congress in 1889 (Great Sioux Agreement) from the Rosebud Sioux Tribe. The three thousand (3,000) Rosebud Sioux Indians, now isolated in off-reservation communities, must depend more and more upon Sinte Gleska College to deliver to them the teachers, courses and educational materials necessary to their culture and circumstances. Indeed the entire Rosebud Sioux Tribe, shocked by this Supreme Court decision, is depending more

and more upon the College to provide the people with the professional training, the competencies and the skills essential to the preservation of what is left of their land base, to tribal self-determination, even indeed to the very survival of the Tribe itself.

Financially, Sinte Gleska College is dependent upon the Bureau of Indian Affairs for its core budget which is less than thirty (30) percent of the total budget. Thereafter it attempts to seek funds from other sources to supplement the B.I.A. budget. Unfortunately this type of fragmented funding does not allow for proper educational planning or program stability and continuity. Sinte Gleska College receives little or no state funds nor does it receive any local tax support.

Despite these financial difficulties, however, Sinte Gleska College has received (April 15, 1977) Candidacy Status with the North Central Accreditation Association. We now have six years within which to qualify for full accreditation status. We do not, however, need six years; we would qualify in the immediate future if we simply had an adequate and secure financial base.

The amount of funds requested from the Bureau of Indian Affairs by Sinte Gleska College have never been fully granted, despite the fact that in testifying against legislation that would have provided specific funding for Indian colleges during the last Congress the Bureau stated that it had sufficient authority under the Snyder act to do so. Meanwhile, the College has continually received requests from its constituency and from various service agencies to expand its services to them. Moreover, in conjunction with the increased student enrollment, demands for more comprehensive student services and support have been voiced. More classes must be offered to meet the continuing education degree requirements of both full-time and part-time students as they progress toward their respective Associate and Bachelor degrees.

The following is a breakdown indicating the amount of funds requested contrasted with those actually received by the College from the Bureau of Indian Affairs for the 1973, '74, '75, '76, '77 and '78 fiscal years:

	REQUESTED	RECEIVED
FY 1973	$441,519	$200,000
FY 1974	$633,008	$200,000
FY 1975	$583,803	$200,000
FY 1976	$1,600,000	$300,000
FY 1977	$1,500,000	$300,000
FY 1978	$1,600,000	$293,500

We are currently engaged in working out planning year (FY 1979) funding with the BIA through its band-analysis process. Discussions thus far convince us that we will receive, at best, only minimal increments for FY 1979.

Other sources of funding are even more uncertain (cf. appendage #1). The bulk of it comes from various Department of Health, Education and Welfare programs. Such funding is short-term in general; furthermore, to acquire it we are often forced into competition with other institutions of higher education wherein our stage of development makes it difficult indeed for us to compete. We have worked out arrangements with programs like Title III, Strengthening Developing Institutions, which have had successful results. But here again, this legislation is by its very nature short-term and we cannot make any long-range plans based on it.

In the absence, therefore, of any other source of secure funding, Sinte Gleska College, like the other Indian colleges, feels the urgent need of specific federal legislation and appropriations providing secure long-term funding. S.1215 would provide such funding.

I would like quickly to address some provisions of this bill.

Appended (#2) is a budget forecast based on real needs for FY 1978. These needs will no doubt be much higher because we hope to build under Round II of the Local Public Works Program one new administration-academic complex and eleven community education centers which will increase our operation and maintenance costs. Still using our present FTE student enrollment, our income under S.1215 would be $1,031,000.00 leaving us over $500,000 short of our needs. For this reason, and for the reason that we still have so much ground to make up, we feel that we should continue to have access to funding under other federal titles.

Our cost per student is currently $2,007 per year. Cost per FTE student is $3,131. Administrative cost per FTE student is $1,407, faculty cost per student is $1,723. These figures compare favorably with similar costs at BIA controlled institutions of higher education.

Technical assistance money provided under Sec. 309 (b) would go to the twenty-five (25) or so tribes, and to others, now trying to initiate their own colleges.

We approve of Sec. 310 (a) of S.1215 because we feel it provides for equitable distribution of funds whatever the fiscal eventuality.

I would respectfully refer you to our larger written testimony, already submitted to this subcommittee, for other information and financial statistics concerning Sinte Gleska College. Our situation is, I believe, rather typical of that of other Indian colleges.

I would like to assure this committee, most emphatically, that provision of direct funds to Indian-controlled post-secondary institutions will in no way curtail, interfere with or circumvent the authority of the tribal government.

Sinte Gleska College exists entirely as a tribal entity. We are chartered by the tribal government; we are directly accountable to and

responsible to the tribal government; we receive all of our funding precisely as and only as an officially chartered entity of the Rosebud Sioux Tribe; our educational mission is one mandated by the Rosebud Sioux people; the Rosebud Sioux Tribe had repeatedly endorsed efforts by Sinte Gleska College to acquire such funding. (c.f. appendages 5, 6 and 7)

It is, in short, of the very nature and concept of Sinte Gleska College to exist and function as an official entity of the Rosebud Sioux Tribe.

The Rosebud Sioux Tribe, and the other tribes, have brought their colleges to their present state of development under extreme difficulties and handicaps. Ours is a total commitment to success. We ask your help at this critical time.

Thank you.

Sinte Gleska College
Program Recap
For Year Ended June 30, 1976 Appendage No. 1

Funding Sources	Grant Number	Contract Period	Amount Of Award	Overhead Limitations
Department of Interior				
Bureau of Indian Affairs:				
Higher Education Program	A00C14200011	7-1-75/6-30-76	230,000	None
Adult Education Services	A00214200009	7-1-75/6-30-76	31,400	None
Natural Resources Home Extension Program	A00C14200010	7-1-75/6-30-76	41,400	None
Department of Health, Education & Welfare				
Office of Education:				
Title III, Strengthening Developing Institutions-Black Hills Bi-Lateral	G00-74-08402 (Sub-Grant OEG-0-7)	7-1-75/6-30-76	150,000	None Allowed
Title IV-B, Career and Cultural Awareness Development	G007500314	7-1-75/6-30-76	68,004	8%
Handicapped Teacher Education	G007401378	6-1-75/5-31-76	59,859	None
Office of Human Development:				
Service Delivery Systems For Developmentally Disabled	56-P-40232/8-02	6-30-75/6-29-76	48,720	None
Public Health Service:				
NIMH-Mental Health Service	5T41MH11329503	7-1-75/6-30-76	26,808	8%
NIH-Nurse Training Improvement	08-2-000028-03-0 (Sub-Grant)	6-1-75/5-31-76	37,500	8%
NIG-Nurse Training Improvement	241-75-0577 (Sub-Contract)	6-30-75/6-29-76	43,528	None
Other				
State of South Dakota:				
Division of Elementary and Secondary Education:				
Preschool		7-1-75/6-30-76	13,540	None
Adult Basic Education		7-1-75/6-30-76	10,800	None
Adult Basic Education-Special Projects		11-1-75/6-30-76	8,550	None
Division of Mental Health & Mental Retardation:				
Development Disabilities		6-30-75/6-29-76	5,555	None

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Appendage No. 2

BUDGET FY 77-78

BOARD OF DIRECTORS		
Travel & Perdiem	$ 7,000	
Support & Expenses	$ 3,000	
TOTAL		$ 10,000
PRESIDENT'S OFFICE		
Personnel Costs	$ 33,376	
Fringe	$ 4,005	
Travel	$ 6,500	
Support & Expenses	$ 9,000	
TOTAL		$ 52,881
VICE PRESIDENT & DEVELOPMENT OFFICE		
Personnel Costs	$ 70,000	
Fringe	$ 8,400	
Travel	$ 6,000	
Support & Expenses	$ 9,000	
TOTAL		$ 93,400
BUSINESS OFFICE		
Personnel Costs	$ 47,520	
Fringe	$ 5,702	
Travel	$ 2,500	
Support & Expenses	$ 4,000	
TOTAL		$ 59,772
BOOKSTORE		
Personnel Costs	$ 7,000	
Fringe	$ 840	
Travel	$ 500	
Support & Expenses	$ 2,000	
TOTAL		$ 10,340
PURCHASE ORDER DEPARTMENT		
Personnel Costs	$ 12,000	
Fringe	$ 1,440	
Travel	$ 2,000	
Support & Expenses	$ 2,000	
TOTAL		$ 15,940
INFORMATION & COMMUNICATIONS OFFICE		
Personnel Costs	$ 17,660	
Fringe	$ 2,119	
Travel	$ 2,000	
Support & Expenses	$ 10,000	
TOTAL		$ 31,779

REGISTRAR'S OFFICE		
Personnel Costs	$ 24,354	
Fringe	$ 2,922	
Travel	$ 1,500	
Support & Expenses	$ 3,000	
TOTAL		$ 31,776
STUDENT SERVICES		
Personnel Costs	$ 47,465	
Fringe	$ 5,695	
Travel	$ 2,000	
Support & Expenses	$ 6,000	
TOTAL		$ 61,160
GENERAL STUDIES DEPARTMENT		
Personnel Costs	$ 43,247	
Fringe	$ 5,189	
Travel	$ 2,000	
Support & Expenses	$ 3,000	
TOTAL		$ 53,436
BUSINESS EDUCATION DEPARTMENT		
Personnel Costs	$ 45,635	
Fringe	$ 5,476	
Travel	$ 2,000	
Suppost & Expenses	$ 5,000	
TOTAL		$ 58,111
NURSING DEPARTMENT		
Personnel Costs	$ 62,400	
Fringe	$ 7,488	
Travel	$ 7,000	
Support & Expenses	$ 10,500	
TOTAL		$ 87,388
INDIAN STUDIES DEPARTMENT		
Personnel Costs	$ 49,351	
Fringe	$ 5,992	
Travel	$ 2,000	
Support & Expenses	$ 5,500	
TOTAL		$ 62,773
HUMAN SERVICES DEPARTMENT		
Personnel Costs	$ 75,203	
Fringe	$ 9,204	
Travel	$ 2,500	
Support & Expenses	$ 3,750	
TOTAL		$ 90,477

EDUCATION DEPARTMENT
Personnel Costs----------$ 73,016
Fringe----------$ 8,761
Travel----------$ 3,000
Support & Expenses----------$ 4,500

TOTAL $ 89,277

MATH & SCIENCE DEPARTMENT
Personnel Costs----------$ 43,688
Fringe----------$ 5,242
Travel----------$ 1,500
Support & Expenses----------$ 2,500

TOTAL $ 52,930

COMMUNITY EDUCATION
Personnel Costs----------$ 49,600
Fringe----------$ 5,952
Travel----------$ 5,000
Support & Expenses----------$ 62,000

TOTAL $ 122,552

ADULT BASIC EDUCATION
Personnel Costs----------$ 74,262
Fringe----------$ 8,911
Travel----------$ 2,000
Support & Expenses----------$ 2,000

TOTAL $ 87,173

NATURAL RESOURCES
Personnel Costs----------$ 61,013
Fringe----------$ 7,321
Travel----------$ 2,500
Support & Expenses----------$ 3,750

TOTAL $ 74,584

LIBRARY & MEDIA
Personnel Costs----------$ 68,332
Fringe----------$ 8,199
Travel----------$ 2,500
Support & Expenses----------$ 25,000

TOTAL $ 104,031

SERVICES TO THE HANDICAPPED
Personnel Costs----------$163,805
Fringe----------$ 19,667
Travel----------$ 6,600
Support & Expenses----------$ 30,000

TOTAL $220,162

TIOSPAYE SCHOOL DEVELOPMENT PROGRAM		
Personnel Costs	$ 30,000	
Fringe	$ 3,600	
Travel	$ 12,600	
Support & Expenses	$ 23,200	
TOTAL		$ 70,000
EAST DESCRIPTION CENTER		
Personnel Costs	$ 39,992	
Fringe	$ 4,799	
Travel	$ 2,500	
Support & Expenses	$ 3,750	
TOTAL		$ 51,041
GRAND TOTAL		$1,590,983

Appendage No. 3

SINTE GLESKA COLLEGE

INSTITUTIONAL ENROLLMENT

	1971	1971-2	1972-3	1973-4	1974-5	1975-6	1976-7	1977-8*
TOTAL ENROLLMENT	164	238	200	256	239	277	412	430
FTE ENROLLMENT		99	103	103	118	183	269	280

In addition; since 1971, the College has enabled over 650 reservation people to achieve their high-school-equivalency diplomas. During our annual commencement exercises in February, 1977, over one hundred students received their GEDs.

*Anticipated.

RESOLUTION

Appendage No. 4

WHEREAS, the President of the United States has stated it is the official policy of the government to promote and foster Indian self-determination in such endeavors as education, and

WHEREAS, the Congress of the United States has recognized the need for Indian people to be responsible for their own educational affairs by enactment of legislation such as the Indian Education Act of 1972, and, the Indian Self-Determination Act of 1975, and

WHEREAS, if these policies are to be effectively implemented and administered then Indian control of their own educational affairs is a necessity, and

WHEREAS, on January 23, 1971 the Rosebud Sioux Tribal Council officially chartered and established an institute of higher learning on the Rosebud Sioux Indian Reservation, and

WHEREAS, this institution, Sinte Gleska College, is governed by local Indian people who live in and are committed to the preservation and development of Indian self-determination and individual preparedness for economic livelihood, and

WHEREAS, Sinte Gleska College is committed to the provision of quality education to Indian people, and will continue to bring higher education to the Rosebud Sioux Reservation as long as sufficient funding is available, and

WHEREAS, permanent funding is being sought by the College through the development of legislation to insure a stable financial future for improved and expanded educational services, and

WHEREAS, continued and increased funding is presently being sought by the College from the Bureau of Indian Affairs for FY'76, and, thereafter through the authorization to appropriate and expend monies as provided under the provision of the Snyder Act (Public Law 67-85) of November 2, 1921, and

WHEREAS, the College needs continued Tribal Council support if it is to continue to develop and expand its educational services to all portions of the Rosebud Reservation benefitting the young and aged;

THEREFORE, BE IT RESOLVED, that the Rosebud Sioux Tribal Council appeals to all Congressional parties and staff to provide strong support for the enactment of legislation on behalf of Indian-controlled colleges such as Sinte Gleska College;

BE IT FURTHER RESOLVED, that the Rosebud Sioux Tribal Council appeals to all funding agencies, especially the Bureau of Indian Affairs, and Office of Education and other Federal, state and private agencies to continue supporting Sinte Gleska College through contracting and the awarding of grants;

BE IT FURTHER RESOLVED, that the Rosebud Sioux Tribal Council appeals to and strongly urges the Commissioner of Indian Affairs, Department of Interior, to exercise all his vested authorities in the promotion and development of Sinte Gleska College as needed and within the limitations of the law.

CERTIFICATION

We, the undersigned Chairman of the Rosebud Sioux Tribe Education Committee, hereby certify that the Rosebud Sioux Tribal Education Committee is composed of 4 voting members present, constituting a quorum at a duly called and convened session of the Tribal Education Committee Meeting held May 21, 1975, at Rosebud, South Dakota, that the foregoing resolution was adopted by the affirmative vote of 4 in favor, none opposed and none not voting.

Christine Dunham, Chairwoman
Education Committee

Robert W. Hale, Chairman
Health, Education and Welfare Committee

CERTIFICATION

We, the undersigned, hereby certify that the Sinte Gleska College Board of Directors composed of nine (9) voting members of whom five (5) constituting a quorum were present at a duly called and convened session of the Board of Directors, May 19, 1975, at Rosebud, South Dakota, that the foregoing resolution was adopted by the affirmative vote of five (5) in favor, 0 opposed.

Stanley Red Bird, Chairman
Board of Directors

Dorothy M. Gregg, Secretary
Board of Directors

RESOLUTION NO. RB 74-57 **Appendage No. 5**

WHEREAS, The education of Indian people has for too long been in the hands of non-Indians; and

WHEREAS, The President of the United States has stated it is the official policy of the government to promote and foster Indian self-determination in all areas of endeavor; and

WHEREAS, The Congress of the United States has recognized the need for Indian people to be responsible for their own educational institutions by enactment of the Indian Education Act of 1972; and

WHEREAS, If these policies are to be effectively implemented, Indian control of their own educational institutions is an absolute necessity; and

WHEREAS, On January 23, 1971 the Rosebud Sioux Tribal Council officially chartered and established an institute of higher learning on the Rosebud Sioux Indian Reservation; and

WHEREAS, This institution, Sinte Gleska College Center, is governed by Indian persons who live in and are aware of the needs of their communities, and are committed to the preservation and development of Indianess; and

WHEREAS, Sinte Gleska College has committed itself to close cooperation with the Rosebud Sioux Tribal Council in bringing quality education to Indian people, and will continue to bring education to the Reservation; and

WHEREAS, Permanent funding is being sought by the Community College to insure a stable future for better program maintenance and development; and

WHEREAS, The College needs continued Tribal support if it is to continue to operate and expand to all parts of the Reservation; therefore, be it

RESOLVED, That the Rosebud Sioux Tribal Council reaffirms its total and complete support of the Sinte Gleska College Center; and, be it

RESOLVED FURTHER, That the Rosebud Sioux Tribal Council appeals to all funding agencies, federal, state and private, to continue and enhance their support of all existing and future programs at Sinte Gleska College.

CERTIFICATION

This is to certify that the above Resolution No. RB 74-57 was duly passed by the Rosebud Sioux Tribal Council in session, March 25, 1974, by a vote of 25 in favor, 1 excused and 1 not voting. The said resolution was adopted pursuant to authority vested in the Council by provisions of paragraph (c) of Section 1 of Article IV of the Constitution. A quorum was present.

RESOLUTION NO. RB 74-57
Page 2

Robert Burnette, President
Rosebud Sioux Tribe

ATTEST:

Norman L. Knox, Secretary
Rosebud Sioux Tribe

RESOLUTION NO 75-79 Appendage No. 6

WHEREAS, the President of the United States has stated it is the official policy of the government to promote and foster Indian self-determination in such endeavors as education, and

WHEREAS, the Congress of the United States has recognized the need for Indian people to be responsible for their own educational affairs by enactment of legislation such as the Indian Education Act of 1972, and, the Indian Self-Determination Act of 1975, and

WHEREAS, if these policies are to be effectively implemented and administered then Indian control of their own educational affairs is a necessity, and

WHEREAS, on January 23, 1971 the Rosebud Sioux Tribal Council officially chartered and established an institute of higher learning on the Rosebud Sioux Indian Reservation, and

WHEREAS, this institution, Sinte Gleska College, is governed by local Indian people who live in and are committed to the preservation and development of Indian Self-determination and individual preparedness for economic livelihood, and

WHEREAS, Sinte Gleska College is committed to the provision of quality education to Indian people, and will continue to bring higher education to the Rosebud Sioux Reservation as long as sufficient funding is available, and

WHEREAS, permanent funding is being sought by the College through the development of legislation to insure a stable financial future for improved and expanded educational services, and

WHEREAS, continued and increased funding is presently being sought by the College from the Bureau of Indian Affairs for FY' 76, and, thereafter through the authorization [illegible] propriate and expend monies as provided under the provision of the Snyder Act [illegible] c Law 67-85) of November 2, 1921, and

WHEREAS, the College needs continued Tribal Council support if it is to continue to develop and expand its educational services to all portions of the Rosebud Reservation benefitting the young and aged;

THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council appeals to all Congressional parties and staff to provide strong support for the enactment of legislation on behalf of Indian-controlled colleges such as Sinte Gleska College;

BE IT FURTHER RESOLVED, that the Rosebud Sioux Tribal Council appeals to all funding agencies, especially the Bureau of Indian Affairs, and Office of Education and other federal, state and private agencies to continue supporting Sinte Gleska College through contracting and the awarding of grants;

Resolution RB 75-79
Page 2

BE IT FURTHER RESOLVED, that the Rosebud Sioux Tribal Council appeals to and strongly urges the Commissioner of Indian Affairs, Department of Interior, to exercise all his vested authorities, in the promotion and development of Sinte Gleska College as needed and within the limitations of the law.

CERTIFICATION

This is to certify that the above Resolution RB 75-79 was duly passed by the Rosebud Sioux Tribal Council in session, June 30, 1975, by a vote of 27 in favor and none opposed. The said resolution was adopted pursuant to authority vested in the Council by the provisions of paragraph (a) of Section 1 of Article IV of the Constitution. A quorum was present.

Robert P. Burnette, President
Rosebud Sioux Tribe

ATTEST:

Norman L. Cox, Secretary
Rosebud Sioux Tribe

Noted and transmitted
James S. Stevens
Acting Superintendent

JUL 11

DATE SUBMITTED 7-10-75
TO ROSEBUD AGENCY SUPT.

Mr. PARKER. Thank you.

Phyllis, do you have testimony for the committee this morning?

STATEMENT OF PHYLLIS HOWARD, PRESIDENT, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM, AND DIRECTOR, FORT BERTHOLD COLLEGE CENTER

Ms. HOWARD. I do not have a prepared text, but I would just like to respond to one of the things that Mr. Bordeaux has been saying this morning.

The Fort Berthold Tribe or the Three Affiliated Tribes, for which I am the director of the community college, has gone on record to support the community college by giving them a tribal charter.

I just wanted to say that all of the 12 schools within the consortium are supporting, or are supporting perhaps the idea of, direct funding for the colleges. The 12 colleges have resolutions from their tribal councils who do support the bill. By giving them the tribal charter they have given them the authority to act on their behalf. These 12 colleges within the consortium are perhaps representative of the largest tribal group within the United States.

I guess that would be my only statement here but I will respond to questions that you may have.

Mr. PARKER. Speaking as president of the consortium: Is the position of the consortium that funding for the community colleges should be separate from the band system?

Ms. HOWARD. Yes. I believe that that is the feeling of the 12 member schools in the consortium.

Mr. BORDEAUX. Mr. Chairman, may I also address that?

Mr. PARKER. Yes.

Mr. BORDEAUX. Yes. We have taken a position that Indian community colleges be taken off of the band analysis. This does not mean that we are bypassing tribal government, because any time you contract with the Bureau of Indian Affairs their one requirement is that a resolution accompany that contract specifically pinpointing the contractual mission and obligation.

Our request is to be taken off of the band. As you can see, we were given $200,000 in 1973. With that money at that time—it was almost a token, or a pittance, at most. With that money there is no way that you can realistically carry on a program today when we need to expand.

In the recent *Rosebud* v. *Kneip* case which established parameters in our jurisdiction, we have learned about the areas that we need to address. If ever our college became important in our lives, it is today on Rosebud.

The increments that we would receive based upon a $200,000 base could in no way support that figure. Therefore, we are requesting that we be taken off the band until such time as we are raised to a level where even with an inflationary increase of 8 to 10 percent we could continue in the development of a program.

Until then, we are requesting that we be removed.

Mr. PARKER. Thank you. That is a good point to be made on the inherent limitation of the band system, which does not allow for that kind of flexibility.

I have just one final question, and any member of the panel could respond to it.

To complete the record on the consideration of this bill, I will go to the question of institutions which are now run by the Bureau of Indian Affairs and the Institute in Santa Fe.

Has there been any discussion by your group on the probability of bringing those institutions under tribal control and somehow having some sort of relationship with those institutions?

Mr. HORSE. I think in the initial stages of the consortium, when it was being set up, I believe that they participated in some of the preliminary planning discussions. At that point it was felt that it might be a good idea to include them as members of the consortium, but I believe there came the question of their status as federally funded schools and the status of the control of those schools being strictly under the Government. There were other related matters also.

It was finally decided that they would not be active participating members of the consortium.

During the early stages of our existence we did have some dialog with representatives of those schools concerning ways in which we could cooperate and work with one another in a common cause kind of thing. However, beyond that there has been no really systematic inclusion of the federally controlled schools in the programmatic development aspects of what we are trying to accomplish.

Mr. PARKER. I have several questions which the minority counsel has asked me to address to the panel.

The first question is: Would the funds to be made available to each postsecondary institution pursuant to the grant formula of section 306 be adequate to meet the operating costs of the institution?

Mr. BORDEAUX. In the case of Sinte Gleska; no. It leaves us about half a million short. We probably could document a case for a need of $1.6 million. Under the formula we would receive a shade over $1 million.

However, recognizing the need, we would be glad to receive $1 million rather than $293,500. We will seek that money elsewhere. I, myself, would rather, at a later point, sit down and attempt to change that formula.

Mr. HORSE. I would like to reiterate that, too, because I feel that the formula as it is stated here needs to be discussed further—at least that particular section. We will be happy to work with the committee staff on any information they might require from us along those lines.

Mr. PARKER. I think the concern of the committee would be whether, even if the bill were enacted, some colleges would still be unable to operate because of the difference between their actual operating costs and the amount provided under the formula and any additional information that you can give us on that point would be appreciated.

Mr. HORSE. Also, a crucial factor would be the amounts that are actually appropriated once the bill is enacted. I think that is a consideration in all of this. You can have a formula for a certain amount, but if you do not get the appropriations then that is another thing, too.

Mr. PARKER. I would like to thank all of the witnesses on behalf of the chairman for their testimony this morning. I see that the hearing room is going to be occupied very shortly by another committee.

Mr. HORSE. Just one further thing. I would also like to reiterate the consortium organization's support for the efforts of the Navajo Community College as represented in S. 468, to amend their bill.

Our organization has consistently supported their efforts in this matter. As the director of the organization I would just like to reiterate that support.

Mr. PARKER. Thank you.

The hearing is adjourned.

[Whereupon, at 12:40 p.m., the committee was adjourned.]